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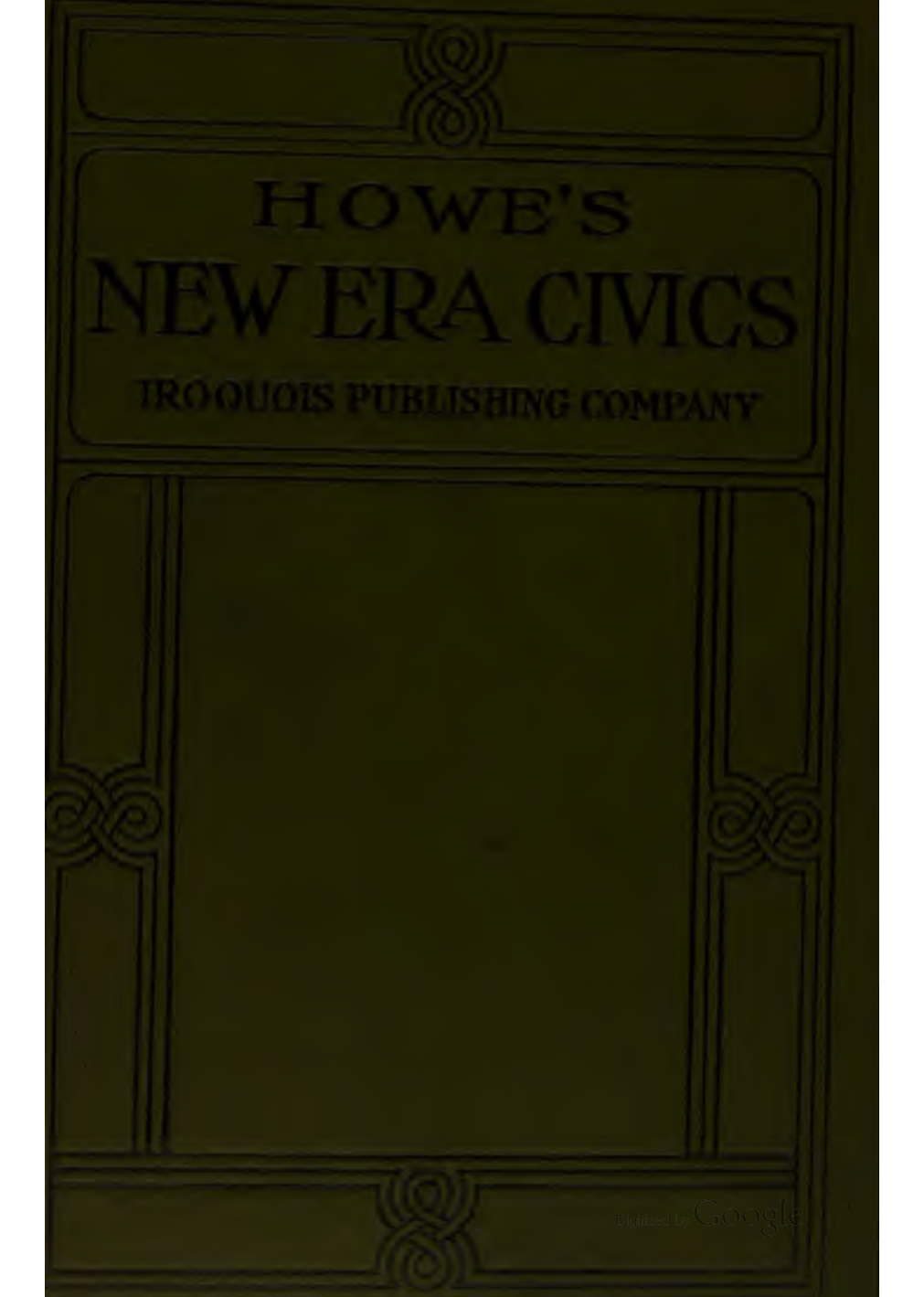
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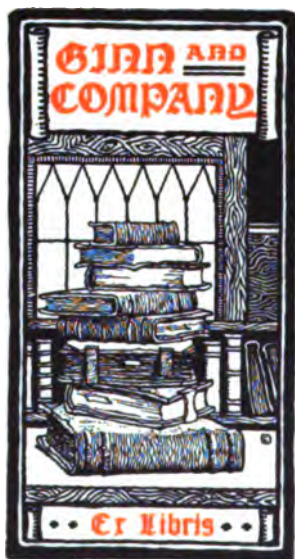
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HOWE'S NEW ERA CIVICS

FOR THE STUDENTS OF TODAY AND THE CITIZENS OF
TOMORROW, TO SHOW THEM WHAT GOVERNMENT
IS AND MEANS IN NATION, STATE AND AT
HOME, TO DEEPEN THEIR INTEREST IN
COMMUNITY AFFAIRS, AND TO
LIGHT THEIR PATH TO PUB-
LIC DUTY AND SERVICE

By

JOHN B. HOWE, LITT. D.



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MARCH 17, 1927

To My Wife,
Marietta Gartlan Howe,
THE AUTHOR.

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INTRODUCTION

In preparing this work, the fruit of many years' study and observation of public affairs, the author has kept foremost in his mind the practical objects of Civics teaching in our schools.

The study of Civics is finding more and more favor with experienced educators, not alone because it is a source of useful knowledge to the pupil, but because it is, when wisely directed, the best kind of training for our future citizens.

In a work of this character it is not enough to describe government and its operations in the national, State and local fields. It is even more desirable to impress students with the proper sense of their coming responsibilities as citizens; to kindle in their minds the right kind of interest in public affairs; and to point out for them the way to helpful public service and to an intelligent exercise of the voting power when the time comes for them to use it.

In dealing with American government in its various branches, the author of this book has proceeded on the theory that the best way to aid students of Civics and to make their memories retentive, is by explaining the why and wherefore of the important features of government and of the changes it has undergone. If a youth visiting a factory sees a novel and ingenious device attached to the machinery, and learns nothing more about it, he may be deeply interested for the moment in its operation, but his appreciation is only vague and fleeting. If, however, the machinist in charge takes pains to

explain why the contrivance was devised, and how it improves and quickens the productiveness of the whole machine, the youthful observer carries away a lively and enduring impression of the value of the clever invention. This suggests that the rule of painstaking explanation should be applied by the authors of works on Civics to the best of their ability.

Why has it been deemed necessary to amend the Constitution of the United States several times since the year 1912? Why was the Federal Reserve system of national banking established in 1913, to take the place of the old system, introduced during the Civil War? Why was the reform known as direct primaries adopted by the States, at a comparatively recent time? Why was government by commissions, or administration by City Managers, substituted by many American cities for the older municipal government by Mayors and Boards of Aldermen? These are but a few of many questions which should be answered for the benefit of Civics students. The mind of the student who learns the why and wherefore of these things receives a stamp that is not soon effaced.

Some writers on Civics have shown a strange disinclination to mention the word "politics." The present author does not share that feeling. In support of his position he can quote the dictionary, which defines "politics" as "that branch of Civics that treats of the principles of civil government and the conduct of State affairs."

Another fact worthy of note is that ours is a government by political parties. The school students of today will be the citizens and voters of tomorrow, and they will form political attachments after the fashion of their elders. Perhaps eighty per cent of the American people

Introduction

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who have passed their majority belong to one or another of the political parties. For this reason, and because ours is a party government, the author has not hesitated to present in his book such information as may lead to a better understanding of party history and party policies.

The interest and influence of every good citizen in politics and public affairs count in many ways; but nowhere do they count more effectively than at the ballot box. Therefore one of the legitimate objects of Civics study is to awaken the interest of American youth in their future political duties. It was never more deserving of consideration than it is at the present time, when the school girl looks forward to the same civic obligations as the school boy.

The best place to begin the study of Civics is the classroom. The best way to use the knowledge there acquired is in helpful service to the community and, when the voting age is reached, by the exercise of good judgment in the election booth. It is at the ballot box that the character of government is determined. Hence the course of Civics study should be shaped so that it will provide the key to useful community service and to wise participation in public affairs.

JOHN B. HOWE,
Syracuse, N. Y.

SUGGESTIONS TO TEACHERS

The separation of this book into five parts was incidentally intended to serve the convenience of teachers who may prefer to change the order adopted by the author in dealing with the several branches of Civics study. The teacher who considers it desirable to acquaint students first with the features and functions of local government can easily substitute Part IV for Part II, and then conduct the student from the city to the State and lastly to the nation, thus reversing the course followed by the author.

It is further suggested to teachers that in the study of municipal methods and activities, covered in Part IV, the organization of a class senate for purposes of investigation and discussion may be found useful. A simple organization of this kind can be designed by any competent teacher. It would wisely include the election of class officers, at least a chairman and recording secretary, and especially the appointment of class committees. It would be the duty of each committee to pursue a line of inquiry assigned to it. One committee could gather information regarding the latest devices for fighting fire; another could look into the question of water supply, protection and distribution; others could gain an insight into the operations of the departments of public works and public health—and so on. Each committee would be expected to prepare a report on its findings, to be presented to the class senate at one of its sessions. Among the committees would be one on finance, whose mission

it would be to tell something about the annual cost of running the local government, the size of the tax rate, the increase of municipal expenditures in recent years and the reasons for the increase, the amount of the bonded debt and other matters which should be of financial concern to citizens.

A valuable feature in such a class organization would be a "Question Box" for written slips containing requests for information from the student members or suggesting subjects for committee investigation. These should be examined by the teacher and submitted to the class for discussion or turned over to the appropriate committees for inquiry and report.

In recommending a plan of this kind, which can be varied within the discretion of teachers, the author is moved by the consideration that a practical application of the knowledge gained through the study of Civics not only stirs a personal interest in the minds of pupils, but gives them a better conception of their future responsibilities as citizens.

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PART I
CITIZENSHIP



THE EMBLEM OF CITIZENSHIP

Washington inspecting the first American flag, fresh from the hands of its maker, Betsy Ross.

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CHAPTER I

TRAINING FOR CITIZENSHIP

Each one of us obtains in his schooling something which not he, but the community, has paid for. He must return it to the community in full, in the shape of good citizenship.—
THEODORE ROOSEVELT.

1. **Looking Around.**—It is a fine morning and the Student decides to start early on a roundabout route to school. In the course of his walk he sees several things that remind him of the government, or governments, under which he lives.

A street car passes, filled with people on their way to business. The car is owned and the men who operate it are paid by a private company. But it runs on tracks laid on a public highway, and if it is a trolley car the wires which supply it with the electric current are strung from poles stationed on the same highway. The railway company could not have laid the tracks or erected the poles without the consent of the city government, given in the form of an official permit, or, as it is called, a franchise. The people own the streets, and they have, therefore, a sort of partnership interest in the company.

The passing street car is an agency of the city government. Because the operating company is organized to serve the public convenience, under a franchise which allows it the use of the streets, it is known as a public-service corporation.

Early in his walk the Student sees a street cleaner at work. In the next block he notices a city garbage wagon,

halted at the curb. These, too, are agencies of the city government. Both the sweepers and the garbage men are representatives of a city department. It is their duty to aid in keeping the city clean and in protecting the public health.



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ONE OF THE FAMILIAR FIGURES

A reminder of a useful branch of city service.

speeds by. Some one has been injured and must be carried without a moment's delay to the hospital. The Health Department has been quick to answer the call. Night and day it is on watch, to face sudden emergencies of this kind or dangers to the public health.

A policeman on patrol duty is next met. He is the uniformed representative of another department of the city government, and a very important one. He is a guardian of the public safety. So, too, is each of the firemen the Student observes seated by the open door of a fire engine



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A SOLDIER OF THE CITY

house. At any minute the electric signal may summon them to instant action. They, like the policemen, are soldiers of the city's peace army. Their duty is to resist a public enemy in the shape of fire, just as it is the policeman's to prevent crime and arrest criminals.

At the next corner a man is seen climbing an electric light pole. He is the employe of another public-service corporation which works on the same general basis as the railway company and under a similar franchise agreement. The pole and the wires attached to it are the property of the lighting company, but they are, in a very practical sense, a part of the machinery of the public service. The company is indebted to the city for the privilege of using them in the lighting, not only of the streets, but of the homes.

A little further on some men are at work repairing a gas main. This main is simply an agency for the distribution of gas for lighting or heating, and, like the trolley and the long lines of wiring for electric light and telegraphic and telephone communication, it is a part of the public service authorized by the city and established only with the city's consent.

Drinking at a public fountain, the Student is reminded of the water supply which the city brings from a dis-



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ON GUARD AT THE CROSSWALK

The automobile has made the traffic policeman a big factor for public safety.

tance and pipes through its mains; and he had an earlier reminder of the same great municipal enterprise when he made his morning toilet.

He next casts a glance at the City Hall, where the business of his municipality is directed and recorded. He passes a public park, where city workers are cutting the grass or trimming the flower beds to make the resort a thing of beauty and delight for tired workers in the summer months. Not far away is an orphan asylum where little dependents are cared for by the public generosity.

Finally his round of observation ends at the school door. Entering the building he sees on all sides evidences of the interest of government in public education.

2. Other Signs and Symbols.—In his morning walk the Student has seen local government in action. He has also noted evidence that other governments—the national government, the State government and the county government—are at work.

He met a letter carrier. This man in grey is an agent of the Government at Washington, and he has the honor of representing the class of Federal officials which is most



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ON UNCLE SAM'S ERRAND

The postman is the best known of all the hundreds of thousands of employees of the United States Government.

familiar to the masses of the American people. He is one of an army of public servants engaged in performing a useful and necessary national function—the collecting and distributing of the mail.

The Student paused in his walk to purchase a newspaper and handed out a coin in payment. That coin was made at the United States mint. It is a symbol of one



Vic Lamodin.

THE STATE AND THE COUNTY

A scene showing a jury, escorted by a Deputy Sheriff, approaching the entrance to a Court House. The Court House and the jury represent the authority of the State as a source of criminal and civil law. The building itself was built and is owned and maintained by the county; the jurymen are residents of the county, and the Deputy Sheriff, who has charge of them, is a county officer.

of the greatest powers exercised by the Washington government—the power of issuing currency—a power which the State and local governments do not share.

Among the buildings passed by the Student was the Court House, a temple of justice dedicated to the enforcement of State law. The laws to prevent and punish the ordinary crimes that we read about are State laws. In the Court House the offenders are tried, and if found guilty, sentenced to punishment. The building therefore stands as an imposing memorial of the State government.

But the structure has not been built and it is not maintained by the State. It is, in nearly all cases, the property of the county, because the county has been from the beginning of the Republic the local district through which the State administers its criminal law. The Court House is the seat of authority, not only for judges and juries, but for the sheriff and coroner—both county officials—and for the county's attorney, who prosecutes in cases of crime.

The strolling Student therefore found in the Court House a double reminder of the State and the county governments.

In the course of perhaps an hour's walk our observant Student witnessed the action, or scene of action, of four different governments. Every watchful citizen can have the same enlightening experience. Now, each of these governments has its own mission and its own sphere of operation. It is only by study and observation that we can separate them in our vision and thoughts, and familiarize ourselves with the powers of each government and the limits of such powers. This should be the object of every citizen who is ambitious to discharge his political duties faithfully.

3. The Starting Place.—The boys and girls who sit in the class room today will before long be voters. It will be their duty and their privilege to participate in the choice of Presidents, Senators, Representatives in Congress, Governors, State legislators, judges and local officers. Some of them may be called to serve the public in official posts. In any event, as members of the great army of American voters, they will be charged with a solemn trust, and it is a trust which they should qualify themselves to fulfill worthily. *The class room is the very best place to begin.*

4. The Object of Civics Study.—Civics is defined as “the science that treats of citizenship and the relations between citizens and the government.”

The two essentials of good citizenship are *knowledge* and *service*. Service can be most readily given to the local government—the government at our doors. But our knowledge of government should be so extended as to include, in some degree, the State and nation as well as the county and the city or village. When this knowledge is acquired, the citizen is in a position to serve his nation and his State as well as his local community. Even intelligent voting is a real service to the Republic.

5. Some Necessary Questions.—At the very beginning of this search for knowledge we should ask ourselves these general questions:

What are governments for?

How do governments serve us?

What can we do to serve them?

What relation do we bear to government in our capacity as citizens and voters?

How much need we learn of the processes of government to possess the information necessary for intelligent voting?

How are the powers of the nation, the State and the local government separated and distinguished, one from the others?

It is especially desirable to keep the first of these always in mind, "What are governments for?" It is a sufficient answer that our several governments have been established to preserve order, to enforce laws, to protect the public safety and the public health, to spread the benefits of education, to provide the facilities for transportation and communication common to every civilized country—in short, to promote the peace and happiness of the people, so far as government agencies can do it.

Whatever the individual can do to serve any of these purposes is a labor of good citizenship.

QUESTION GUIDE TO CHAPTER I

1. What signs of your local government's activity have you seen today?
2. What daily reminders does one see of the operation and authority of the national government? What building suggests the authority of the State and the county?
3. What important trust awaits the students of today?
4. What is Civics? Name the two essentials of good citizenship. What kind of government are we in the best position to serve? How far should our knowledge of government be extended? How does the knowledge of government help the citizen?
5. What are the first questions we should ask ourselves in our search for knowledge of government and public affairs? Give an answer to the question, "What are governments for?"

CHAPTER II

THE CITIZEN AND THE BALLOT

*The crowning fact,
The kingliest act
Of freedom is the freeman's vote.*

—JOHN GREENLEAF WHITTIER.

1. **The New Era of Woman Suffrage.**—There is now a compelling reason why a better knowledge of civics should be cultivated. Up to a comparatively recent time the right to vote was confined to one sex, except in a few States west of the Rockies. In nearly the whole of the country women were disfranchised. Intelligent women took an interest, of course, in political affairs, but it was the interest of on-lookers. Though their influence counted in the decision of political contests and in the adoption of government policies, it was largely sentimental because it lacked the driving power of the ballot. Fear of adverse votes is a strong restraint upon politicians, but the womanhood of the country could not apply this restraint without the voting power.

2. **Effect of the New Conditions.**—Women can now vote in every State in the Union. The country has thus entered upon a new political era, with the advent of a mighty force hitherto helpless. Hereafter the leaders of politics must keep in mind the votes of women in all elections. The male head of a household which has no grown sons, or from which the grown sons have departed for homes of their own, will no longer cast a ballot for

the entire family. One result, it may be assumed, will be the kindling of a new family interest in public affairs, broader than the former individual male interest; and if this reasonable expectation is realized there will be a widespread demand for more general education in civic duties.

3. Citizens and Parties.—It is evident that the success of government in accomplishing its various purposes depends to a large extent upon the character of the men selected to direct and manage it, in nation, State and local community. That is why the casting of the ballot is a serious part of the citizen's duty, and why he should cultivate an interest in all civic affairs.

Ours has been, from the very first, a government by political parties. In its development, political organizations have played a great part. Even independent voters, who do not join any political party, admit the need of party rivalry and party contests in a democracy. A party in power has a special incentive to do its best as a governing force when it is watched and criticized by one or more other parties which are eager to take its place.

In studying government and public affairs, it is well for us to learn something about the conflicts of parties in the past, for the study of political history gives an enlightening background for present-day problems.

4. The Voter and His Responsibility.—Through the possession of the ballot, every voter is a unit, and equal to every other unit, in the popular force that controls the greatest country in the world, the United States. The nature of the ballot has long been a subject of controversy. Some call it a right that belongs to every native or naturalized American over twenty-one; others call it only a privilege which may be given or withheld by the State. Perhaps the safest theory, which some

courts have proclaimed, is that it is simply a convenient instrument of government by the people.

But no matter how we may differ in describing it, all good citizens must agree that the exercise of the power to vote is a patriotic duty. Our government, national, State and local, is shaped by the will of the people as expressed through the ballot box. Therefore the casting of a vote should be performed as carefully in each case as if the voter knew that his or her single ballot would decide the election.

5. The Voting Process.—The act of voting is itself a very simple one. At stated times the voter goes to the polls and casts his ballot for certain candidates for public offices. In addition, the great majority of voters also take part in primary elections at which candidates are



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PRACTICAL CIVICS

An advanced High School student teaching pupils how to vote with the ballot machine.

selected to run for office. The very word "primary" indicates that this operation is only a preliminary to the regular election-day function.

But it is one thing to vote and another to vote wisely—that is to say, with a correct understanding of what the process means. Hence the need of a fair knowledge not only of each candidate's qualifications but of the principles and purposes of the party which he represents and also of the details of the government which he is to be chosen to serve. It takes only a few minutes to perform the physical act of voting, but it takes study and careful observation to qualify each citizen to perform that act well.

6. How Voters are Grouped.—Every voter casts a ballot in three different capacities—as a citizen of the United States, as a citizen of his State, and as a citizen of the home community. The various elections, barring a number of exceptions in the local field, are contests between parties, with the two historic parties, Republican and Democratic, in the forefront.

A very large majority of the voters of the country are partisans in the sense that they are attached to some particular party by the ties of heredity, sentiment, preference or self-interest. The small remainder is best known as "the independent vote." The independents themselves may be divided into two classes. One class we may call neutral, or indifferent. The neutral voter is one who takes the feeblest possible interest in the conflict of parties and candidates, and either postpones until the last moment the choice he will make in the polling booth or abstains from voting entirely. The real independent voter, however, takes a keen interest in political developments, and, while he has no preference as between the contending parties as parties, gives his

personal support to the one which appeals most strongly to his reason. Such a voter rarely casts a straight ballot. The so-called "split" ticket is a favorite with him, though most of his selections are of the party which for the time being enjoys his good will.

7. The Shifting of Party Control.—When we come to the grand army of partisans, we find marked differences in the fervor of their attachments to their respective organizations. There are some partisans who consider it a binding obligation to accept the party platform without a murmur and to vote the party ticket without exception from top to bottom. On the other hand, there are partisans who, though generally loyal, sometimes vigorously object to features of the party platform and vote against one or more of the party candidates for personal reasons or from a conviction that the opposing candidates are better fitted for the political trusts to which they aspire.

As changes often occur in the control of the government, it is certain, first, that partisans often waver in their allegiance, and, second, that the independent vote is a powerful factor in determining results. Party ascendancy and the destinies of government in this country are chiefly determined by the votes of citizens who are willing to change their minds. If it were otherwise, one party would perpetually remain in power in Washington. As it is, in some of the States party control never changes. There are States that have uniformly gone Democratic and other States that have uniformly gone Republican during the past half century, though, of course, there have been fluctuations in the size of the winning majorities.

8. Party Allegiance.—The average young voter needs no urging to cast his or her lot with a political party.

Many of us inherit our political principles as we do our religion. Political independence is often an admirable quality in itself. The good will and support of independents are eagerly sought by partisan leaders and managers. Nevertheless, American custom and American experience generally influence the young man or woman who is assuming the voting obligation for the first time to join one of the organized groups of citizens whose struggle for mastery imparts to politics its greatest excitement and attraction.



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TRAINING ADOPTED CITIZENS

A night school lesson for foreign-born students in Registering and Voting.

But it is well for every young partisan to resolve firmly at the beginning to be a *thinking* voter. As a rule, he or she can safely rely upon the judgment of the great Presidential nominating conventions, or upon the decision of the masses of the chosen party at the primaries; but there are times when rebellion becomes a duty to conscientious minds, and it is the inclination on the part of individual partisans to rebel which exercises the

strongest restraint upon party counsels and party policies.

The new voters who join a political party do not by any means surrender their right of private judgment. The polling booth is safe from invasion, and their ballots are their own. The vast majority of the people have been and will continue to be partisans, but the balance of power will remain with those who are independents by preference, and to even a greater extent with those who, while devoted to a favorite organization, hold still dearer than this allegiance their freedom of will and conscience.

QUESTION GUIDE TO CHAPTER II

1. How was the voting privilege limited until a comparatively recent period? What was the effect upon women's interest and influence in politics?

2. What new force must political leaders reckon with hereafter? What educational demand is the enfranchisement of women likely to create?

3. Upon what does the success of government largely depend? Why should the citizen cultivate an interest in political affairs? Why does the rivalry of parties serve a good purpose in government? Why is the study of party history useful?

4. What does the ballot mean to the citizen? How is the nature of the ballot described? What have some courts called it? Suggest, in your own words, the spirit in which the right to vote should be exercised.

5. What voting operation precedes the regular elections? Why is the "primary" so called? What preparation is desirable for intelligent voting?

6. In what three different capacities does a citizen vote? What may each voter consider himself or herself in the various political contests? What two parties are generally at the forefront in party warfare? What are the several influences that determine membership in a political party? Who are the independent voters? Into what

two classes may they be divided? How does the neutral differ from the real independent voter? How is the real independent voter influenced? Does he generally vote a "straight ticket"?

7. Do partisans invariably support their party candidates or policies? What reasons sometimes induce partisans to desert their party? What two factors usually decide changes in the national administration? If party voters never changed their minds, what result would follow? Do some States cling uniformly to one party?

8. Are new voters generally inclined to attach themselves to some political party? What kind of voter should the young citizen aim to be? How are thinking voters sometimes influenced? What good effect does this tendency have on party leaders? State your idea of the secret ballot as an advantage to independent voters. What two classes of voters often wield the "balance of power" in national elections?

PART II
THE NATION



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THE DOME OF THE CAPITOL

An impressive symbol of the majesty and strength of the Republic.

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CHAPTER III

THE UNITED STATES CONSTITUTION

The preservation of liberty and the destiny of the republican form of government are justly considered as deeply, perhaps as vitally, staked on the experiment intrusted to the American people.—WASHINGTON'S FAREWELL ADDRESS.

1. The Mission of the Fathers.—The Constitution of the United States is the original charter of our national, or central government, to which certain amendments have been added from time to time to meet special needs or demands.

The wise men who framed it, with George Washington at their head, assembled for the purpose in the City of Philadelphia in the year 1787. At that time, and for the six preceding years, the scheme of government for the little nation, or rather group of thirteen new States, was embodied in what was known as the Articles of Confederation. The Confederation, or league, had not worked well. It was established in 1781, a few months before the surrender of Cornwallis and the end of our Revolutionary struggle; and as time went on the defects of the new system became apparent.

The thirteen infant States were bound together by very loose political ties. They had little in common except their location, the Articles which they had adopted for convenience sake, and the memory of common sufferings and sacrifices in the War of the Revolution. They

were often vexed by discord arising from their trade rivalries and other opposing interests. Their far-sighted leaders were not long in deciding that the Articles of Confederation must be strengthened for a better understanding and a closer union. Such was the mission confided to the sixty-two delegates sent to Philadelphia in 1787 by twelve of the thirteen States (only Rhode



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INDEPENDENCE HALL

Where the Federal Constitution was drafted and signed by the framers on September 17, 1787. Here, too, more than twelve years before, the first Continental Congress met.

Island being unrepresented). They were expected to amend and improve the Articles of Confederation. But they far exceeded their instructions. They were satisfied with nothing less than the drafting of a real Constitution. Charged with a modest task of repair work, they became the architects of an entirely new political edifice, the best of its kind the world has ever seen.

The student should approach the subject of the Federal Constitution by ridding his or her mind of any notion that it is a literary mass of subtleties. A careful reading of its text shows it to be phrased in familiar English words. In practical application some of its passages have been a cause of dispute at various times since the beginning of the government. But that was because its framers had to confine themselves to a foundation code or general outline of principles. They had to "boil everything down." Their language was simple and direct. A prominent Senator of the last generation described it well when he called it "a model of comprehensive brevity."

2. The Object in View.—Before examining the main provisions of this famous instrument, it is well to glance at the difficulties of the problem "the Fathers of the Constitution" had to solve. Their duty was to draft a national charter which thirteen new-born States, jealous of their independent rights, could accept as a permanent and binding compact. That is to say, their mission was to unite, in one nationality, States that varied greatly in area, population, social characteristics and material interests.

When it came to the question of a stronger political union, little States, like Delaware and New Hampshire, were naturally distrustful of the power of the larger ones like Virginia and New York. To reconcile all differences

and to frame a Constitution which, on the one hand, would recognize the importance of the leading States and, on the other, would guarantee protection to the smaller ones, was the problem that faced the men who sat in the Philadelphia convention.

They disposed of it with wonderful wisdom. Nowhere have the purpose and spirit of the Constitution been better revealed than in the language of the Preamble. Every citizen should know the words by heart. "We, the people of the United States"—so runs the solemn declaration—"in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America." Such were the objects Washington and his associates had in mind in drafting the Constitution. They are the objects we of today have in mind in maintaining it.

3. Planning the Congress.—Under the old Confederation there had been no personal executive, or chief magistrate, corresponding to our President. The national affairs of the thirteen States after the Revolution were under the direction and control of a Congress, a single legislative body, in which each State had from two to seven representatives, but only one vote. As the Congress was all powerful in this former league, it was natural that the Philadelphia convention should first deal with the problem of a Congress for the permanent union—the basic foundation of the whole system. Right here was a serious difficulty.

It was evident at the very start that a Congress with a single chamber, patterned after the one in existence, would not do. Why? For one reason it would have been

impossible with a single chamber to satisfy all the States in the matter of representation. If every State were allowed equal representation, or, what amounted to the same thing, an equal vote, as was the case under the Confederation, the larger States would have refused to enter a permanent union on that condition. They would have been justified, moreover, as it would have been easily within the power of the minor States to outvote such major States as Virginia, New York and Massachusetts. In a legislature so organized Delaware would have had an equal voice with her big sister, Pennsylvania, and to such a leveling of influence Pennsylvania would never have agreed. On the other hand, the plan of a single chamber, with each State represented therein by votes proportioned to its population, would have been just as earnestly opposed by the little States. So the idea of a one-chamber Congress was early abandoned in favor of a Congress with two chambers.

In reaching this decision, the convention had before it the example of the various State Legislatures organized after the Declaration of Independence. These were composed of two chambers, with the upper chamber, constituting a smaller and more select branch than the lower. In accepting this idea from the States, the convention took the right road. But there was still an ugly obstacle in the way.

In the States the members of the upper chamber of the Legislature were, as a rule, selected from districts with large populations, while the members of the lower chamber were more numerous and were chosen for smaller districts, and usually for shorter terms. In each State there was little difference in the representative character of the two chambers, except that one was more dignified than the other. The States found this plan

satisfactory. But it was a plan that could not be adopted bodily by the Philadelphia convention, because it would not satisfy the smaller States. In a Congress organized like the two-chamber State Legislatures, the small States would still be at the mercy of the large ones in the matter of representation. It was therefore clear that if a two-chamber Congress was to be established, some way must be found to protect the rights and interests of the small States in one of the chambers.

SENATE AND HOUSE

4. Birth of the Federal Senate.—Finally the convention agreed upon the happy expedient of creating an upper branch of Congress in which the representation of the States, as States, would be exactly equal. This decision is known in history as one of the three great Compromises of the Constitution. The other two related to the now extinct question of American slavery. This ingenious design of a Senate organized on a basis of equal State representation, as distinguished from proportional popular representation, was perhaps more effective than any other of the convention's masterstrokes in paving the way for the final adoption of the Constitution. It was a practical and lasting concession to the smaller States.

With one brief clause the convention performed the miracle of conciliation. "The Senate of the United States," it ordained, "shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years." By this mandate the smallest State in the Union was accorded equal representation with the largest in the upper branch of Congress.

On the other hand, the convention decreed that in the lower branch, the House of Representatives, the mem-

bers "shall be apportioned among the several States according to their numbers"—that is, their populations.

5. General Functions of the Two Houses.—Here, then, we have in the American Congress an exquisite balancing of two distinct systems of representation. The House, or popular branch, was intended to represent the people and the Senate to represent the States. As a result, while the larger States enjoyed a representation in the House proportioned to their population, every small State was on exactly the same footing as the most populous State, by its command of two votes in the Senate. Thus, while the interests of the larger States were fully safeguarded in the House, the smaller States were amply protected in the Senate. To clinch this guaranty for the smaller States, the makers of the Constitution inserted in Article V a proviso that "no State, without its consent, shall be deprived of its equal suffrage in the Senate."

In creating the Senate the Fathers had another purpose in view than the settling of the rival claims of the large and small States. It was their intention to constitute the Senate in such a manner that it would act as a check upon the popular branch, or chamber. In organizing the House of Representatives it was provided that its members should be elected for two years. As short-term Representatives, chosen directly by the people, it was expected that they would reflect quickly the public will. But it was considered desirable to make of the Senate a legislative force that would insure greater care and deliberation and prevent hasty and impulsive action by the lower branch. Accordingly it was ordained that the Senatorial term should be six years. The theory back of this provision was that legislators who were required to render to the people an account of their

stewardship only after a long period of time would be more independent and self-reliant than legislators with two-year terms.

But this variance in the terms of service was not the only difference between the two bodies. The age limit under which no man would be eligible to serve as Representative was fixed at twenty-five years. In the case of Senators the limit was raised to thirty years. Again, it will be noted that, whereas the Constitution originally decreed that the Representatives should be chosen by the people, the election of Senators was entrusted to the State Legislatures. At that time it was considered best to erect this barrier between the Senators and the people.

6. The Cooling Process.—In an anecdote long current it is related that Washington and Jefferson were once dining together when their conversation turned to the two branches of Congress. Jefferson argued against the two-chamber system, and he was warmly discoursing on the merits of a single legislative body when Washington quietly remarked: "You yourself have proved the excellence of two houses at this very moment." "How is that, General?" inquired the surprised Jefferson; and Washington answered: "You have turned your hot tea into the saucer to get cool. It is the same thing we desire of the two houses." Whether the story is authentic or not, the illustration is apt. A measure that comes hot from the House of Representatives is generally sure to undergo the cooling process in the Senate.

One constitutional provision for making the Senate more independent of popular influence than the House is now a thing of the past. The Senators are no longer chosen by the State Legislatures, but by the direct vote of the people of the several States. The Seventeenth

amendment to the Constitution, by which this change was made, was adopted and proclaimed in 1913. Consequently the Senators are now elected like Governors, but this departure does not affect the equality of State representation in the Senate.

7. Where the Two Branches Differ.—The Senate and the House, acting in conjunction, are the legislative, or law-making branch of the Federal government. Their joint consent is necessary to the adoption of every legislative measure. But in some respects their functions differ. It is required, for example, in Section 7, Article I, that “all bills for raising revenue shall originate in the House of Representatives; but the Senate may propose, or concur with, amendments, as on other bills.” By this proviso the House of Representatives, or lower branch, is vested with prime responsibility as regards money bills. It was England’s abuse of the right of taxation that led to the revolt of the colonies. It was therefore perfectly natural that the framers of the Constitution, in working out their new scheme of government, should make the lower branch of Congress, the branch nearest to the people and most responsive to their will, the custodian in a special sense of what is called “the power of the purse”—the power to raise revenue by taxation. In tariff and other revenue legislation the Senate sometimes changes a House bill so that its framers can scarcely recognize it, and then the differences have to be adjusted by conference committees. But the House, as a rule, has jealously guarded its right to take the initiative in preparing and passing such measures.

The Senate, too, is clothed by the Constitution with special privileges. In the making of treaties and in the case of Presidential appointments to office, its “advice and consent” are necessary. Here the House has no voice.

A two-thirds vote of the Senate is necessary to ratify any treaty submitted by the President, and a majority vote to confirm his nominations for office.

In another respect, which is only conditional, the House and the Senate have differing functions. The House is empowered to elect a President when the Electoral College fails to perform this duty owing to the absence of a clear majority for any candidate. As will be seen later, this has occurred twice in our history—in 1801 and in 1825—and the choice of President was transferred to the House. On the other hand, when the Electoral College does not choose a Vice President, the power of selection goes to the Senate, and it was once exercised by that body—in 1837.

THE EXECUTIVE BRANCH

8. The President.—In the opening sentence of its second article, the Constitution provides that “the executive power shall be vested in a President of the United States of America.” These simple but expressive words are the warrant for a public trust which good Americans like to consider the greatest on earth.

In the Philadelphia convention there was a general agreement as to the need of a single executive who should head the new government. The differences of opinion that arose among the delegates over this important feature of their work chiefly related to his term of office, his qualifications and the measure of his authority. The decision finally reached, and embodied in Article II, may be summarized in a sentence. The President’s term of service shall be four years; and he must be a “natural born citizen,” at least thirty-five years of age and for fourteen years a resident of the country. The last provision can be better understood when it is stated that

a person born of American parents living abroad is "a natural born citizen," but under the constitutional mandate such person, to be eligible to the Presidency, must have resided within the States for the prescribed period.

These are the only qualifications for the high office of President set down in the Constitution. The framers emphasized their devotion to democracy, to self-government by the people and to the principle of equal opportunity by omitting any test for Presidential service relating to religion, race extraction, social caste or the ownership of property.

In spite of the liberal spirit here displayed, the convention deemed it wise to provide for the election of President by an indirect method, which is still in operation and which is as curious as it is ingenious. So it was decided that the President should be chosen, not directly by the voters like Representatives in Congress, but by a body of Presidential Electors selected for the purpose in the various States. The political institution which has long been known as the Electoral College was thus brought into existence.

9. The Powers of the Executive.—The outline of the President's power in the Constitution gives us but a feeble idea of its tremendous range at the present time. For it must be remembered that in 1787 the framers of the Constitution shaped the authority of the executive of an infant nation of less than four million inhabitants, or not much more than one-third of the population of the single State of New York in 1920. With the rapid growth of the country the power and influence of the President have steadily broadened. But this simply means that his responsibility has increased with the passage of new laws and the marvelous expansion of our whole political sys-

tem, and not that his power has become more autocratic in times of peace. It is one of the supreme merits of the Constitution that the barriers it originally raised against any encroachment or wrongful exercise of Presidential power are as staunch and firm now as they were in Washington's day. Within its proper limits the President's authority has been magnified as well as varied; but the constitutional limits themselves remain unchanged.

First in order of the powers conferred upon the President is that of commander-in-chief of the army and the navy. During the European war we had a wonderful demonstration of the meaning and effect of this grant of authority. It is believed that the mere presence in the convention of George Washington, who had led our armies in the Revolution and who was admirably fitted to be the first head of the new government, had much to do with convincing the delegates that the President should direct and control the nation's military force. It was this clause of the Constitution which, in 1917, enabled Congress to concentrate the national strength and resources by delegating enormous war powers to the President.

The Constitution provides that the President "may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices." The phrase "executive departments" as here used is the only reference to the great branches of the Federal government which have since been developed by enactments of Congress and placed in charge of Cabinet officers. The President's Cabinet is therefore not a constitutional creation, but a product of statute law.

The President is next armed with the pardoning power, but it applies only to offenses against the United States—that is to say, to crimes against Federal laws, such as treason, sedition, counterfeiting, smuggling or illegal use of the mails. In the case of ordinary criminals the pardoning power is vested in the Governors of States or in boards established for that purpose.

The President is further empowered to “make treaties,” but only with the “advice and consent of the Senate” and provided that “two-thirds of the Senate concur.” The long controversy between the President and the Senate over the peace treaty between the allied and associated powers and Germany has made Americans familiar with the operation of this constitutional decree.

10. The Power of Appointment.—An extraordinary source of power is opened to the President by the clause authorizing him to appoint “ambassadors, ministers, consuls and all other officers of the United States whose appointments are not herein otherwise provided for.” It was this grant that gave the President his large control of what is known as “political patronage,” or the choice of men to fill many of the Federal offices. His exercise of this power of appointment partly accounts for the vigor and earnestness of the party struggles for mastery. This power is subject to the Senate’s right of confirming his appointments, already referred to; but it is the President who makes the selection in every case, and it is only on rare occasions that his nominations for office are rejected by the Senate.

Many classes of Federal office holders are now protected in their places by Civil Service laws. By this means a so-called “merit system” has been established to remedy the evils of the “spoils system,” under which

many thousands of faithful public servants in subordinate posts were exposed to the danger of summary removal whenever a change of party administration occurred in Washington.

The other powers of the President are specified in Section 3, Article II. He is required to give Congress from time to time "information of the state of the Union; and to recommend measures for the consideration of that body." This is the warrant for the Presidential messages, regular and special, to Congress. The first two Presidents, Washington and Adams, appeared before Congress in person to deliver their messages. The third President, Jefferson, departed from their practice and transmitted his messages in writing; and this example was followed by all the Presidents to Wilson, who revived the original custom of personal delivery. The President is further authorized to summon Congress to meet "on extraordinary occasions," or to use the more familiar expression, in "special session." A time for the regular meeting of Congress, namely, the first Monday in December of each year, is specified in the Constitution, but Congress is expressly allowed to choose a different day. In the early years of the Republic, Congress took advantage of this permission to change the date of its regular meeting no less than eighteen times, but since 1820 the date recommended by the Constitution has remained unaltered.

11. The Vice President and the Succession.—The Vice President is elected at the same time and in the same manner as the President. By a strange oversight the original Constitution prescribed no qualifications for the Vice President, but this omission was corrected in the Twelfth amendment, adopted in 1804, which decreed that "no person constitutionally ineligible to the office of President shall be eligible to that of Vice President

of the United States." The only specific duty assigned to the Vice President is that of presiding officer of the Senate. But he has no vote in that body except in the event of an equal division of its members on some measure or resolution. He can then decide the "tie" by his "casting" vote.

It is the Vice President's status as a possible successor to the power of the Presidency that imparts the greatest dignity to his office. "In the case of the removal of the President from office," says the Constitution, "or of his death, resignation or inability to discharge the powers and duties of the said office, the same shall devolve upon the Vice President." Five times in the history of the United States the Presidency has been made vacant by death. As a result five of our Vice Presidents, John Tyler in 1841, Millard Fillmore in 1850, Andrew Johnson in 1865, Chester A. Arthur in 1881, and Theodore Roosevelt in 1901, assumed the duties and responsibilities of the Chief Magistrate. The Constitution makes no other specific provision for filling a vacancy in the Presidential office; but it authorizes Congress to designate what the line of succession shall be if both the President and Vice President die, in turn, or are unable to serve.

It will be seen that one of the possible causes of a vacancy is "the removal of the President from office." This can be effected only by successful impeachment. Like other civil officers of the government, the President can be removed from office "on impeachment for, and conviction of, treason, bribery, or other high crimes or misdemeanors." Impeachment, as used in this sense, is accusation. When this extreme process is applied against a President, the House of Representatives has the sole power of impeachment, or accusation, and the Senate, sitting as a special tribunal, must hear the charges and

the evidence and pass judgment. On such an occasion the Chief Judge of the Supreme Court of the United States presides over the Senate Court, as it would be manifestly improper for the Vice President to perform that function in a trial wherein he would be an interested party. A two-thirds majority of the Senators present when the final vote is taken is necessary to convict.

Only once has a President been tried in impeachment proceedings. That was in 1868, when Andrew Johnson, who had succeeded to the Presidential office on the death of Lincoln, was impeached by the House. Thirty-five Senators voted for conviction and nineteen against. He was therefore acquitted in the absence of an affirmative majority of two-thirds; but the change of a single vote from the "no" to the "aye" side would have meant his removal from office.

THE JUDICIAL BRANCH

12. **The Federal Judiciary.**—In this partial survey of the Constitution two of the three branches of the government—the legislative and executive—have been discussed. The third, or judicial, branch remains to be considered. In addition to the law-making power, vested in Congress, and the executive power, given to the President, it was necessary, under the broad-visioned plan of the convention, to create a third power, charged with the duty of interpreting the Constitution and insuring its equal and just application in all disputed cases arising thereunder. Such cases are outlined and divided into general classes in Section 2, Article III. The only constitutional court established by name is our great historic tribunal, the Supreme Court of the United States. Aside from this provision, the creation of minor United States courts, as well as the organization of the Supreme Court

itself, is left to Congress. All the Federal judges are appointed by the President.

It should be observed that the Constitution confers one remarkable distinction upon the judges of the Supreme Court and other Federal courts. It invests them with what is practically a life tenure, or term of service. "The judges," it says, "both of the Supreme and inferior courts, shall hold their offices during good behavior." While the term of the President is limited to four years, and of Senators and Representatives in Congress to six years and two years, respectively, no limit or condition is attached to the service of the judges, excepting the performance of duty described as "good behavior."

The purpose the framers of the Constitution had in mind in thus setting the judges apart in a special class, and securing them against removal, was plain enough. They deemed it desirable that the President and the Congressmen should be elected for fixed terms in order that the people could call them to account for their records, and change them at will, after stated intervals. But it was also determined that a different rule should prevail in the case of the judges. The judges were required to interpret the Constitution or hold the scales of justice with the strictest impartiality. With this end in view, it was decided that they should be removed as far as possible from outside influences that might warp their judgment if they were obliged to seek reelection or reappointment after short terms of service.

In a word, the object was to lift the Federal judges above the ambitions and contentions of politics and to free their minds from any thought of selfish advantage in reaching and rendering their decisions. In one vital sense, therefore, the judiciary is the only branch of the

United States government not dependent upon public opinion for its continuance in office. Its aloofness in this particular is held to be a prime guarantee of its absolute fairness as between conflicting interests.

GENERAL PROVISIONS

13. The Powers of Congress.—The legislative powers derived by Congress from the Constitution are chiefly such as every independent nation, whatever its form of government, exercises. Among them is power to levy and collect taxes, to provide for the common defense and welfare, to borrow money, to regulate commerce, to coin money, to declare war, to raise and support armies.

Special emphasis should be laid upon the power of our Congress to regulate commerce among the several States. It is by this broad grant in the Constitution that the Federal government, through Congress and the President, has exercised control over the great combinations of capital, including monopolies and so-called trusts, whose business overlaps State boundaries. The Supreme Court has of late years taken a liberal view of what constitutes interstate commerce within the meaning of the Constitution. As a result Congress has been able to wield a power of national regulation over railroads and the great industrial combinations known as trusts which might otherwise have brought it into conflict with State authority.

Among the powers vested in Congress was that of admitting new States into the Union. The same body was empowered by the Constitution "to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States." In 1791, Vermont, as the first new State, was

added to the original thirteen; and in 1912 the great sisterhood of the United States proper was completed by the admission of Arizona and New Mexico. In this long interval, legislation for the creation of new States and for the government of the territories formed was an important part of the duties and the history of Congress. In 1912 the last territory within the continental boundaries of the United States, barring only the District of Columbia, was advanced to statehood. Meanwhile, however, Alaska, Hawaii, Porto Rico and the Philippines had passed under our national control, and in these outlying lands the power of Congress over the territories was exercised in different forms.

14. Amending the Constitution.—The Constitution prescribes simple rules for its own amendment. Under the method always observed in the past, Congress, by a two-thirds vote, adopts a resolution submitting the proposed amendment to the Legislatures of all the States. If the Legislatures of three-fourths of the States approve and accept the amendment—or ratify it, to use the more familiar term—it becomes a part of the Constitution. In requiring a two-thirds vote of both branches of Congress to submit an amendment, and the approval of three-fourths of the States to ratify it, the makers of the Constitution took careful precautions to guard against changes in the instrument without the strong support of public opinion.

Under the constitutional provision thus described it rests with Congress to determine whether an amendment shall be submitted to the country. But there is another provision by which the States, if two-thirds of their Legislatures so decide, can instruct Congress to call a national convention for proposing one or more amendments to the Constitution. If such action should be

taken by the necessary number of State Legislatures, Congress would be bound to comply with the request. But if a constitutional convention thus called should submit amendments, these would still have to be ratified by three-fourths of the State Legislatures, as in the case of amendments submitted by Congress. This latter method of proposing changes in the Constitution has never been tried.

When the original Constitution was submitted to the thirteen States for adoption, much opposition to it developed on the ground that it clothed the national, or Federal, government with too much power at the expense of the States and their people. In several States an earnest demand was expressed for amendments that would more securely fortify personal liberty and the existing system of self-government within the States. In compliance with this demand the First Congress elected under the new Constitution, sitting in New York in 1789, submitted ten amendments, which were duly ratified, and were declared in force in December, 1791. They deserve an attentive reading.

It will be seen that these ten amendments safeguard the rights of the States or of individual citizens. They specifically insure freedom of religious worship; the right of the people to keep and bear arms for mutual defense; the safety of the people, in their persons and homes, from unreasonable and unauthorized seizures and searches; their freedom from prosecution for crime in time of peace, in the absence of an indictment; their security from other arbitrary invasions of their personal liberty and their property and other rights under the common law; and, above all, their right to a jury trial and reasonable bail, when accused of crime. The last

of these amendments, Article X, calls for particular emphasis. It reads as follows:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved by the States respectively, or to the people.

This is pre-eminently the State-Rights article of the Constitution. It leaves to the States the sovereign exercise of all powers not expressly granted to the government at Washington, represented by Congress and the President. No less than five subsequent amendments were adopted in order to confer upon the Federal government powers denied to it by Article X. Three of them—the Thirteenth, Fourteenth and Fifteenth—related to slavery and the citizenship and political rights of the freedmen and their descendants. The Eighteenth, or Prohibition, amendment took from the States the control of the traffic in intoxicating liquors and declared its abolition. The Suffrage amendment, the Nineteenth, was designed to give women the voting franchise in every State of the Union. It accomplishes this purpose by taking away the right of the States to enforce any qualification for voting based on sex.

QUESTION GUIDE TO CHAPTER III

1. When did the Fathers of the Constitution meet, and what was their general purpose? Why was a new government considered necessary? What was the national charter called that preceded the Constitution? In what kind of language was the Constitution framed?

2. What was the first problem before the framers? Describe it in your own words? Why was it difficult to organize the thirteen States in a common Union? Repeat the Preamble to the Constitution.

3. How was the Congress under the old Confederation made up? Why was not the single-chamber plan suitable for the government? What examples of legislatures with two chambers were familiar to the convention? How were the two branches of State Legislatures chosen, as a rule?

4. What is the original design of a Federal Senate called in history? On what ratio of representation was the Senate created? Explain how the plan of equal representation in the Senate helped to solve the problem? How did representation in the lower House differ?

5. Which of the two branches of Congress is known as the popular branch? Which class of States had their rights specially protected by the creation of the Senate? How does the Constitution guarantee equal State representation in the Senate? How does the Senate act as a check upon the House of Representatives? What are the terms of service of Senators and members of the House? Why were the Senators given the longer term? What is the age requirement for service in each branch? Which is supposed to be the more conservative body?

6. How did the Constitution makers originally provide for the election of Senators, and what change has been made in that method in our own time?

7. In which branch of Congress do bills for raising revenue originate? Mention two special privileges enjoyed by the Senate. In what case does the House of Representatives elect the President? How is the Vice President chosen in similar circumstances?

8. In whom does the Constitution lodge the executive power? What are the qualifications for the office of President? To what body does the Constitution intrust his election?

9. Why has the scope of the President's powers been enlarged? Which of his powers is first defined by the Constitution? Was the President's Cabinet specifically created by the Constitution? To what crimes does the President's pardoning power apply? In what officer of the government is the power of "making treaties" vested? What is the province of the Senate with regard to treaties?

10. Where is the power of appointing the principal officers of the government placed? What has the Senate to do with appointments to office? What great reform has tended to correct the abuses of the "spoils system"? What are the general rules governing the President's official intercourse with Congress? What is the regular meeting day of Congress.

11. What is the single duty of the Vice President? When is he allowed to vote on legislative measures? In what event does the Vice President assume the powers of the President? What body has the right of impeaching the President, and what body has the right of removing him after impeachment? Name the single instance where the President was impeached, and the outcome of the trial. What officer presides in impeachment proceedings against the President?

12. What, generally speaking, is the duty of the Federal judiciary? What famous court did the Constitution establish by name? How are the Supreme Court and other Federal judges appointed, and how do their terms of service differ from those of other Federal officials? Why were the Federal judges given life terms?

13. Name some of the general powers of Congress. What particular power of Congress has been found very useful in late years?

14. How is the Constitution amended? When were the first ten amendments to the Constitution declared in force? What was the main purpose of their adoption? Repeat the Tenth amendment. What is the distinctive character of that amendment? Name the five amendments to the Constitution adopted since the Civil War which were intended to modify, for special reasons, the State-Rights privileges conferred by Article X?

CHAPTER IV

THE PRESIDENCY

I humble myself before the magnitude of the undertaking.—JEFFERSON'S FIRST INAUGURAL.

1. **The President's Varied Powers.**—The President is clothed by the Constitution with the power of executing the laws, of commanding the military forces and of appointing the officers of the United States government. He is, moreover, authorized to confirm each measure of Congress by his approval or to reject it by his veto. When he exercises the right of veto it is decisive, unless the two branches of Congress each muster a two-thirds majority to override his objections. He may thus be said to possess four distinct powers—the executive power, the military power, the appointive power and, in conjunction with Congress, the legislative power.

2. **His Service for a Fixed Time.**—Owing to this imposing range of the Chief Magistrate's authority in a nation of more than one hundred millions of inhabitants, it is often claimed that he is the most powerful executive of any country that boasts a form of government in which the people's will prevails. In one respect the claim cannot be disputed. The Fathers of the Constitution deemed it wise that the President should be chosen for a fixed term of four years; and that he should be independent of control by the national legislature, except so far as the House of Representatives has the

constitutional right to impeach him and the Senate to try him and remove him from office after impeachment. As we have seen, only one attempt of this kind has been made by Congress in all our history.

Leaving aside this possibility, the President exercises his power for the specified period of four years. Under other great liberal governments the principal power is



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THE HOME OF THE PRESIDENTS

lodged in the national legislature, which itself virtually selects the chief executive or prime minister, or whatever he may be called, who is therefore responsible to that body for the discharge of his trust. Under such a system, when the legislature votes down an important policy of the executive, that adverse vote, showing lack of con-

fidence, may force his immediate retirement from office. Even during the World War, one sudden change of that character was effected in Great Britain and more than one in France. France, by the way, elects a President for a seven-year term, but he has only a shadow of the authority of our own President. In that country the chief executive is the premier, who can be displaced at will by a majority vote of the representative body. The President of the United States, on the contrary, owes his great powers, not to the favor or confidence of Congress, but to the Constitution and the will of the people.

In his independence of outside influence, in the security of his power for a prescribed term and in the weight and variety of his responsibilities, the President may be considered the foremost of the world's executives.

3. Burdens, Rewards and Customs.—It is needless to say that the President is an extremely hard-working and sometimes overworked official. Of necessity, much of the work of the executive branch is entrusted to the heads of the various departments and their subordinates, and Congress has never been niggardly in its provision for an adequate White House staff. Yet the duties to which the President must perforce give his personal attention are a severe tax on his faculties of endurance, and they have become more trying with the growth of the country and the extension of the administrative machinery.

The war-time strain upon President Wilson was, of course, exceptional, as extraordinary powers were delegated to him by Congress. But even in time of peace, the duties of the executive have become so varied and burdensome that he has but little time for recreation and even less time for intercourse with the outside world, excepting such as relates to his official obligations. It is

true that several of our Presidents, notably Roosevelt, a man of phenomenal mental and physical vigor, have made extraordinary records by the length and duration of their journeys of speech-making and official visitation through the country; but on these occasions they were accompanied by detachments from the clerical force of



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THE STATE DINING-ROOM

Where the President entertains distinguished guests.

the White House and transacted more or less official business en route.

The President's salary was originally fixed at \$25,000 per year, and before Civil War times it was deemed a handsome compensation, measured by the large purchasing power of money in that era. In 1873, during Grant's second term, the salary was doubled. In 1909 it was increased to \$75,000, and President Taft was the first executive to be thus favored. In addition, \$25,000 is allowed each year to cover the President's traveling

expenses. We must also remember that his official home, together with its furnishings, equipments, heating, lighting, automobiles, and other accessories, including a famous conservatory, is maintained by the government without cost to the President. The mail that reaches the White House often exceeds 2,000 letters in a single day. They are quickly examined by the President's Secretary and the assisting clerks, and only an important fraction of them is submitted for his perusal.

Though the President is legally at liberty to travel when and where he chooses, it was for about one hundred years a species of unwritten law that he should not leave the territorial bounds of the United States. Strictly speaking, the first President to disregard this rule was Cleveland, who on one occasion went beyond the three-mile limit on an Atlantic fishing trip. President Roosevelt made a more conspicuous departure when he visited the Republic of Panama in the course of a trip of inspection of the Isthmian Canal. But such exceptions were minor ones compared with President Wilson's two missions to Europe to take part in the historic Peace Congress.

4. The Succession.—In the event of a vacancy in the office of President, its duties pass to the Vice President as soon as he has taken the oath of office. One instance of such a solemn transfer was in Buffalo in the fall of 1901, when, within half an hour of the death of the stricken McKinley, Vice President Roosevelt was sworn in as his successor by a Federal judge at Buffalo. It has never happened that a President and the Vice President who succeeded him have both died in office within the same four-year term of service; but it was necessary to guard against such a calamity. The present law on the subject, the so-called Presidential Succession act, was

passed in 1886. It was intended to correct an oversight which deserves some attention.

The Constitution authorizes the Senate to choose "a President *pro tempore* in the absence of the Vice President." It also decrees that Congress may declare by law "what officer shall act as President," in case of the death, removal, resignation or disability of the President and of his successor, the Vice President. As early as 1792 Congress accordingly ordained that the President *pro tem.* of the Senate should be the next successor, and after him the Speaker of the House.

The provision was not a wise one, for two reasons. In the first place, it was within the possibilities that the Senate might have no President and the House no Speaker at a given time. Again, it might easily happen that the Senate majority and therefore its presiding officer would be of a different party faith from the administration last chosen by the people. In that event a vacancy in the Presidency by a double death would mean a sudden and accidental change in party control of the government.

This possibility was brought home to Congress and the country in the autumn of 1885. Vice President Hendricks died on November 25th. If President Cleveland had died within the next few days there would have been no legal successor to his office in sight. The Forty-ninth Congress had been elected, but was not to meet in regular session until December 7th. The Senate, which was Republican, had held a brief session in the spring but had elected no President *pro tem.* The House had not yet assembled and was therefore without a Speaker. When Congress finally met and organized, John Sherman of Ohio, a Republican, was President *pro tem.*, while the Speaker of the House was John G. Carlisle of Kentucky,

a Democrat. But under the statute of 1792 the prior right of succession was Senator Sherman's; so that if the Democratic President had died his successor would have been a Republican. Thus the death of Vice President Hendricks gave vital force to both of the objections already mentioned to the only law regulating the succession.

5. The Present Succession Act.—To relieve this situation and to guard against its repetition Congress, in



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THE ORIGINAL HARDING CABINET

The entire group after its first meeting with the President. The members are arranged as follows, with the White House in the background: Left to right, front row, Secretary of War Weeks, Secretary of Treasury Mellon, Secretary of State Hughes, President Harding, Vice President Coolidge, and Secretary of Navy Denby. Back row, left to right: Secretary of Interior Fall, Postmaster General Hays, Attorney General Daugherty, Secretary of Agriculture Wallace, Secretary of Commerce Hoover, and Secretary of Labor Davis.

January, 1886, enacted the Presidential Succession law now in operation. It provides that in the event of the death, disability, resignation or removal of both the President and his Vice Presidential successor, the Secretary of State shall assume the powers and duties of the office; and after him the Secretary of the Treasury, the

Secretary of War, the Attorney General, and so on through the Cabinet group of officers, in the order of their original creation.

By this means the danger of a vacancy in the Presidency was virtually removed; and the arrangement has the further merit of insuring the succession to officers who are named by the President and in political sympathy with the existing administration. The law, of course, requires that each possible Cabinet successor shall have the qualifications for the office of President prescribed in the Constitution.

6. **President and Congress.**—The President can largely determine his official relations with Congress. His one necessary duty in this respect is to inform Congress from time to time as to the state of the Union and to recommend measures for its consideration. It is in the performance of this duty that the President's regular and special communications to that body are made. These may be by letter or by spoken addresses, as he prefers. Occasionally either branch of Congress may request information which the President has not already volunteered. In such cases he generally complies, but there are times when he exercises the privilege of declining on the ground that the supplying of the required information would be "incompatible with the public interests."

When bills are passed by both branches of Congress, they are signed by the presiding officer of each body and sent to the White House. It should be noted that bills thus adopted may be disposed of by the President in other ways than by approval or veto. A bill which the President does not act upon within ten week days becomes a law without his signature, provided Congress is still in session. A conspicuous instance of this method

of enactment occurred in 1894 when President Cleveland, who was dissatisfied with the Tariff bill of that year, allowed it to go into effect without his approval. But if Congress adjourns within the ten-day period permitted for executive action on a bill, the President's failure to sign it has the same effect as if he had rejected it. This is called "a pocket veto."

The President, in considering a bill submitted to him, has no room for choice as between its different provisions. He must approve it as a whole or not at all. In the case of appropriation bills—bills appropriating money for government purposes—this is a peculiarity of the Federal system. A different rule prevails in the States, where the Governor can veto some items in an appropriation bill which he considers unsatisfactory and approve the rest.

From time to time there has been agitation for a constitutional amendment which would enable the President to choose between the various items of an appropriation bill—to accept some and reject others, according to his best judgment.

In order to force the President's hand, Congress sometimes attaches a "rider" to an appropriation bill. A rider is a legislative measure which bears no direct relation to the appropriation bill, but which is tacked to it in the expectation that the President will accept the whole bill, including the "rider" (which he may not approve) rather than veto the bill for the sake of killing the "rider."

7. The President's Appointing Power.—The President has more or less personal consultation with members of Congress relative to legislation and appointments to office. This is chiefly true of Senators and Representatives of his own party. It has been for many years the recognized privilege of Congressmen to recommend can-

didates for appointive office to the Presidents of their party. With regard to the filling of minor Federal offices within the district of a Representative of the same party faith as the President's, the influence of such Representative has much to do with the President's choice.

In the selection of more important officers, including foreign ambassadors, ministers and consuls, the recommendations of Senators naturally receive the attention of the President, especially for the reason that the Senate can reject an executive nomination for office, and a Senator who is aggrieved by the President's choice can often persuade his colleagues to vote against the appointment. Differences of this kind between the President and individual Senators of the same party have been the occasion of some bitter conflicts at Washington.

THE MERIT SYSTEM

8. The Reform of the Civil Service.—A radical change has been gradually effected in the scope of the President's power of appointment and therefore in the field of political patronage open to office-seekers and their backers in and out of Congress. This has been due to the sweeping progress of Civil Service Reform, which deserves consideration as one of the happy developments of our political system.

In the first forty years of the Republic, the number of appointive Federal offices was not large. Nor did the method of their distribution arouse much interest or noticeably disturb the currents of political controversy. But in President Jackson's time the use of the executive patronage to strengthen party domination began to provoke opposition and censure. It soon became evident that only good Jackson Democrats stood any chance of appointment to Federal office. President Van Buren

followed his predecessor's example by using his authority to put, or keep, none but Democrats on guard; and afterwards the Whigs, when they, in turn, had the opportunity to fill the offices with their friends, showed a similar disposition to make the most of it. Changes in office for party reasons thus became a settled policy of party government, as was emphasized by the declaration

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THE FAMOUS BLUE ROOM

Where the President received Marshal Foch in October, 1921.

of a prominent Senator that "to the victors belong the spoils." Every shift in administration was the signal for a rush for office. The rush was naturally more eager and tumultuous when the election for a new President meant a change in party control. Even Lincoln when first elected, laden as he was with many cares and anxieties, had to face, and deal with as best he could, an onslaught of office-seekers.

After the Civil War the scramble at Washington for spoils became more and more offensive, and it may be said to have reached a violent climax in 1881, when President Garfield was shot and mortally wounded by a disappointed and unbalanced office-hunter. This tragedy gave new life and impetus to a movement for the reform of the Civil Service which had been launched on a small scale by Congress in 1871, in the shape of an act for regulating admissions to the civil service under the direction of a national commission. It included provisions for competitive examinations of candidates for office.

In the next few years Civil Service Reform languished for want of support in Congress or among the people. But attention was turned anew to the reform by an elaborate report by Dorman B. Eaton, who under a commission from President Hayes had gone to England to study the Civil Service system there prevailing. The foul assault on Garfield was quickly followed by the formation of a National Civil Service Reform League. Under the influence of an aroused public sentiment Congress passed, in 1883, the famous Pendleton act, named after its leading champion in that body, Senator George H. Pendleton of Ohio.

9. Growth of the Merit System.—The purpose of the Pendleton law, in a word, was to insure greater



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A PRESIDENTIAL GUARD

Motorcyclists from the United States Secret Service who speed beside the President's auto in his journeys to and from the White House.

stability and efficiency in the whole Federal service, by establishing tests of fitness for all applicants for appointments, and by protecting from the danger of removal for political causes faithful and experienced official workers. With this end in view, the act provided for the classification of positions in the Washington departments, and in the Postoffices and Custom Houses. It created a Federal Civil Service commission of three members, who were authorized to devise rules for the selection of qualified applicants; and the President was empowered to extend the classified service from time to time. It was necessary to develop the new system gradually to keep pace with the slow growth of favorable public opinion and to reconcile prejudiced politicians in and out of Congress to the change. At the beginning not more than 15,000 minor positions were classified and thus subjected to the new test of merit.

It was President Arthur who made the first serious departure from the old rule of party favoritism; and every President after him issued orders that increased the number of classified offices. One of the earlier Civil Service Commissioners was Theodore Roosevelt, appointed by President Harrison in 1889 and continued in office by President Cleveland. As a firm believer in the reform, Roosevelt, before his later Presidential service was ended, doubled the number of officials affected by the Civil Service rules when he first entered the White House. From the modest beginning in 1883, the scope of the merit system has so expanded that early in 1922 it covered 600,000 Federal offices in the classified service.

10. The Non-Classified Service.—Though the application of the reform has steadily broadened, many officers, from the heads of the Cabinet departments and the American diplomats on foreign missions downwards, are still,

and must continue to be, exempt from Civil Service rules. Generally speaking, the exempt officials may be divided into two classes:—those who, by virtue of their official functions, are expected to serve as sympathetic agents in carrying out the political policy of a given administration, and those who, in subordinate posts, maintain confidential relations with their official chiefs. Private secretaries are good samples of this latter class.

11. Advantages of the New System.—It is generally agreed that the effect of Civil Service Reform in every branch of the Federal service, as well as of the State and municipal service, has been beneficial. Public sentiment has to all appearances heartily approved the change. It has done no more than apply to the official agents of government the rules of selection based on merit which are supposed to prevail in every well-ordered private or corporate business.

Civil Service Reform is intended to apply to nearly all subordinate government employes. It does not apply to officials whose appointments by the President have to be confirmed by the Senate.

The merit system is now a recognized American institution. Worked out in detail by Federal and State laws, its aim is simply to insure, by fairly conducted examinations, an eligible list of competent persons, from the best qualified of whom the appointing officer or board must make the selection. The theory underlying it is that merit and fitness, and not partisan beliefs or affiliations, should count decisively in the filling of public offices. In the Federal sphere, the reform has another great recommendation, because it has to a great extent simplified the exercise of the appointive power, not only by the President, but also by the heads of departments and lesser administrative officers.

12. Other Important Powers of the President.—

Among the Presidential powers mention must be made of his power to call special sessions of Congress, and to adjourn Congress when the two branches cannot agree upon an adjournment date; of his power to grant pardons or reprieves to persons convicted of crimes against Federal laws; of his ceremonial duty of receiving ambassadors, ministers and special envoys from foreign countries; and, last but not least, of his right to make, or negotiate, treaties.

13. The President in World Affairs.—

The European War gave the United States a more commanding position in world affairs, and it correspondingly increased the authority and influence of the President, owing to his control of our foreign relations and his exercise of the right to negotiate treaties. This was illustrated in 1919, when President Wilson took a leading part in the Peace conference at Versailles, France. He was largely instrumental in inducing the conference to agree to the formation of a League of Nations, and the adoption of a League covenant, for the prevention of future wars. In due time the League of Nations was organized, and more than forty nations entered it, including all of those that were associated with the United States in the war against Germany. The first meeting of the representatives of the League was held in Geneva, Switzerland, in November, 1920.

But the Versailles treaty, by which the League was created, was rejected by the Federal Senate. For that reason the United States did not become a party to it, although it was ratified by all the other nations interested.

14. The Washington Conference of 1921.—

It was, however, the privilege of the next President, Warren G. Harding, to take the official lead in another peace project

of real magnitude. In the summer of 1921, with the authority of Congress, he issued an invitation to the governments of Great Britain, France, Italy and Japan to send delegates to an international conference at Washington. The stated purpose of the conference was to agree on a plan for the limitation of naval armaments and also to reach a friendly understanding on questions relating to the Far East. One of the Eastern questions concerned the future protection of China from the seizure of her territory. Another looked to an agreement between the United States, Great Britain, Japan and France whereby each would be bound to respect the island possessions of the others in the distant Pacific. This would include, of course, our own Philippines and Hawaii. Representatives of Holland, Belgium and Portugal, which nations have territory in the Pacific, were asked to send representatives; and a similar invitation was extended to China.

All of the governments addressed accepted the invitation, and the conference assembled at Washington on November 12th. The American delegates were Charles E. Hughes, Secretary of State, Senators Henry Cabot Lodge and Oscar W. Underwood, and Elihu Root. On the opening day, after the President had delivered a welcoming address, Secretary Hughes, who was chosen chairman of the conference, created what proved to be a world sensation, by submitting in detail a plan for a "naval holiday"—that is, for a suspension of new navy building—for ten years. He also recommended a compact by which Great Britain, Japan and the United States would "scrap," or do away with, sixty capital ships, finished and unfinished, with a total tonnage of nearly 19,000,000. The value of the ships the United States alone promised to "scrap" was more than \$250,000,000.

The Hughes plan had been so worked out that the tonnage of the United States, Great Britain and Japan would stand in the ratio of 5 to 5 to 3 when the naval holiday was over. The American and British tonnage would thus be equal, while Japan's would be three-fifths as large. Italy and France were allowed lesser ratios.

The Hughes plan, representing the views of President Harding, was welcomed all over the world. After some weeks of discussion it was put in the form of an international agreement and signed by all the delegates concerned. The Eastern questions affecting the United States, Great Britain, Japan and France were disposed of by the negotiation of a four-power treaty.

The Washington conference, with the United States and its President and Secretary of State in the forefront, was everywhere hailed as a happy omen and recognized as the beginning of a series of international parleys and agreements for the preservation of world peace.

QUESTION GUIDE TO CHAPTER IV

1. What four general powers does the President possess, by himself or in conjunction with others?
2. In what important respect does the President's service differ from that of foreign executives? How is his term more secure than theirs? Name the only method by which the President's power can be taken away by Congress.
3. State some of the reasons why the President's labors are great. What was the President's original salary and what is it now? What other provisions are made for his maintenance? Is there any law forbidding the President to leave the country?
4. Who is the President's constitutional successor? When did Congress first provide for the Presidential succession in the event of the death of both the President and Vice President within a single term? What officers were made the successors, in turn, by this law? State in your own language the objections to this provision.

5. When was the present act for the Presidential succession passed? Where did Congress then place the right of succession, next in order to the Vice President, and what qualifications were required of the new possible successors?

6. How is the President supposed to communicate with Congress? What is the President's course when Congress asks him for information? What are the President's various methods of disposing of bills passed by Congress? What becomes of a bill when the President fails to act on it in ten days, Congress being still in session? Mention a conspicuous illustration. What is the so-called "pocket veto"? Can the President reject some items of an appropriation bill and approve the rest? How does the Washington rule in this matter differ from the rule in the States? What is a "rider" to an appropriation bill?

7. To what matters do the personal relations between the President and Senators or Representatives generally refer? Explain the influence of Senators and Representatives in appointments to office.

8. What important change has taken place in the method of filling Federal offices? What was the "spoils system"? Tell something about the struggle for "patronage" in the old days. What famous reform reduced its evils? When was the first Civil Service Reform law passed by Congress? What tragic event gave a powerful impulse to the movement? When was the National Civil Service Reform bill known as the Pendleton act passed?

9. What was the general purpose of the Pendleton act? What was the classified service, and on what tests was it based? To what organization was the administration of the Pendleton law intrusted? With what new power did it vest the President? Under what President was the new system installed, and how many minor offices were affected by it at the beginning? What man of historic renown was a member of the National Civil Service commission in its early days?

10. What kinds of public officials are still outside of the range of the classified service and therefore unaffected by the Civil Service act?

11. What has been the public attitude toward Civil Service Reform? What qualifications has it been the means of bringing into public employment? What is the general theory underlying it? What effect has it had upon the President's labors and responsibilities?

12. Name some of the Presidential powers not already mentioned. To what classes of crimes does the President's pardoning power apply? What is his share in the making of treaties?

13. In what famous conference after the World War did President Wilson figure? What was the object of the League of Nations, and how many nations joined it? What disposition did the American Senate make of the Versailles treaty?

14. What was the object of the Washington conference of 1921? What governments were represented? What was Secretary Hughes' plan for a "naval holiday"? How did it propose to limit naval construction? What was the effect on our own naval program?

CHAPTER V

THE CONGRESS

In republican governments the legislative authority necessarily predominates.—ALEXANDER HAMILTON.

1. **The Popular Branch.**—It is not without warrant that the House of Representatives is called the “popular branch of Congress.” The Constitution defines its organization before providing for the creation of the Senate, the Executive and the Judiciary. Of the branches of the Federal government the House is, as it was intended to be, closest to the people.

This is true not only in the political, but in the personal sense. Comparatively few citizens have business or correspondence with the President, or even see him during his term of office. The members of the Federal Senate are now less remote from the people than they were in the time when they were chosen by State Legislatures; yet they each represent the people of an entire State, with whom their relations are far from intimate. But the Representative in Congress is still, what he has always been, a sort of locality envoy or delegate to the seat of government. No matter how populous the State he hails from, his district is never so large that he cannot, if he is fairly diligent, keep a watchful eye on its public sentiment and legislative needs and maintain helpful relations with many of its individual voters. Usually he has many personal acquaintances among the voters whom he

represents, and he may be called a sympathetic link between his home district and the National Capitol.

2. Fixing the House Representation.—The number of Representatives in the popular branch is largely determined every ten years by the total number of inhabitants, as revealed by the preceding United States census. After each census, generally in the year following, Congress takes note of the new enumeration of inhabitants and decides how many shall constitute the "ratio of apportionment," and the figure thus agreed upon determines the total number of Representatives. This ratio is the average number of inhabitants that shall go to make up each Congressional district. The Congressional district may be a single county, a part of a very populous county like New York county, or a group of small counties.

In the Constitution no rule is laid down regarding the ratio of apportionment excepting that there shall not be more than one Representative for every thirty thousand inhabitants, and that every State, no matter what number of people reside within its borders, shall have at least one Representative. In the absence of an official census, and to give the system a start, it was decreed that the First Congress should be composed of sixty-five members and the ratio for each of the thirteen States was designated. It varied from ten for Virginia, then the most populous State, down to one for little Rhode Island. On the basis of a rough estimate of the population in 1787, this was approximately a ratio of one Representative to every 61,000 inhabitants.

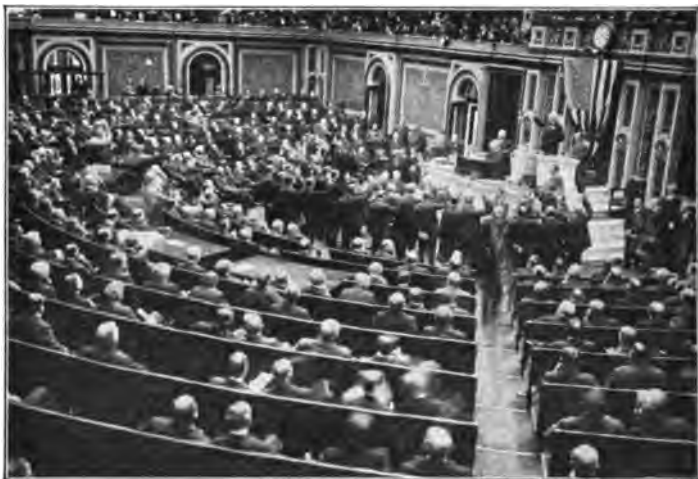
The First Federal census returns in 1790 showed something less than 4,000,000 people. The apportionment ratio determined upon by the First Congress was 33,000, and, making allowance for the slaves, each of whom counted as three-fifths of a person, this gave the Second

Congress, at its beginning, a membership of 105; and later Ohio was added with one member. With this early ratio of 33,000 before us, we can understand why it has been necessary, with the rapid growth of the country, to increase the ratio every ten years in order to keep the size of the House within reasonable limits. If that first ratio prescribed by Congress had been a fixed one, the present representation in the House, based upon a population of more than a hundred million, would exceed three thousand members.

In the first thirty years of our history, when there was still considerable leeway for growth in the House, the increase in the ratio was slow. After the Fourth Federal census in 1820, the new ratio was only 40,000, and this gave the House 213 members. After 1830 the ratio was but 47,700, but the heavy inflow of immigration in the next twenty years made it necessary to lift the ratio to 93,000 after the Seventh census in 1850, in order to keep the House membership down to 237. Thereafter there was a steady gain in the ratio of apportionment, but the gain in membership of the House was relatively greater, because it was increased by the admission of many new States. Owing to the rapid increase of the population of the Western States, it has been necessary, in order to allow them their full quota of representation, to reduce the number of Representatives from some of the older States of the East.

3. The Making of Congress Districts.—With the returns from a new census before it, Congress decides not only what the membership of the next House will be, but what number will be assigned to each State. It then rests with the States, through their Legislatures, to reapportion their Congress districts to meet the new ratio. In this task the Legislatures are confronted with an

obstacle in the shape of the county boundaries, for it is necessary in most cases to group counties in making Congress districts. It is impossible to divide any State into districts of the same, or very nearly the same, size. All that a Legislature which desires to be fair can do is to group the counties, or to divide the exceptionally large counties and populous cities, so as to insure the smallest possible variation in the population of the districts.



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A SCENE IN THE HOUSE

The men standing in front with uplifted arms are new members. The Speaker is administering the oath of office to them.

But zeal for party success frequently leads the State Legislatures to apportion the districts so as to gain partisan advantage. When this political partiality is carried to excessive lengths, it is called "gerrymandering." This is a word that new voters will become familiar with, through the party press, whenever Congress or State legislative districts are rearranged. It has handed down

to posterity the name of one of the grave Fathers of the Constitution in a queer connection. More than a hundred years ago, when Elbridge Gerry was Governor of Massachusetts, there was a redistricting of the State for the election of State Senators. The new districts made a curious network, and one of them was so grotesquely outlined that the critics of that time likened it to a salamander. Governor Gerry was held responsible for the reapportionment, though some historians have disputed the justness of the charge. So the new word, as tradition has it, was coined from "Gerry" and "salamander," and it has survived to our time with a secure place in the dictionaries. Another term, "shoestring," is applied to a narrow district with abnormally long boundaries.

On account of the difficulties in the way of equal apportionment and the disposition of Legislatures to gerrymander, the populations of many Congress districts are far above and far below the specified ratio. Two States, Nevada and Wyoming, have populations below the number prescribed for the apportionment ratio.

4. The Sessions of Congress.—The election of Senators and Representatives in Congress is held in the November of every even year, though several of the States were formerly accustomed to elect on other and earlier dates. A Representative then elected begins his two-year term and to draw his salary on March 4th following. If a special session of the new Congress is called his duty commences when it assembles. Such special sessions have been the rule of late years. The regular meeting day of each Congress, however, is the first Monday of December, and if no special session is called, the new Congressman does not begin actual service until thirteen months after his election. The first regular session of each Congress is called "the long session," because it is

prolonged according to the volume and importance of the business before it. But the second session is the short one because, although it, too, begins its regular session in December—the second December of a Representative's service—it expires by limitation on March 4th following.

It is a peculiarity of the short regular session of Congress that it is always held after the people have



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THE PRESIDENT AND CONGRESS

President Harding delivering his first message at a joint session of the House and the Senate. Seated behind him are the Vice President and the Speaker of the House.

elected another House of Representatives and a part of another Senate, and as a result it sometimes happens that the party in control of the House or Senate, or both, at the short session, shapes legislation after incurring defeat at the polls. This was the situation during the short session of 1918-19, when the Democrats still controlled

both branches of Congress, though a Republican Congress had been elected in the preceding November.

5. House Organization and Speakership.—When a newly elected House assembles its first important duty is to organize by the choice of Speaker, Clerk, Sergeant-at-Arms and other officers. The seats of members were formerly drawn by lot, but this custom was abandoned in 1913, when the desks were removed from the hall, and members now sit where they please, the main aisle separating the parties. In the past, contests for the Speakership, either in the caucus or on the floor of the House, usually excited lively interest throughout the country. But those were days when the Speaker was a far more powerful official than he is now. So great was the authority formerly vested in the Speaker that one of the keenest and fairest English students of our political system and customs, James Bryce, has recorded the opinion that this officer wielded a power "which in the hands of a capable and ambitious man becomes so far reaching that it is no exaggeration to call him the second, if not the first, political figure in the United States."

This exceptional power of the Speaker was derived from three sources. He appointed all the committees of the House; he was chairman of the Committee on Rules, which controlled the legislative procedure and program, and he had the right to recognize members for motions or resolutions, or in debate, which he still retains. In 1890 the power of the Speaker, already great, was strengthened by new House rules. But in 1910, during the Speakership of Joseph G. Cannon of Illinois, there was a revolt of so-called Republican insurgents, who were joined by Democrats, against what was considered the Speaker's despotism. The immediate effect was a limiting of the Speaker's authority; and in the following

year a revolution of the House rules was completed, whereby the Speakership was shorn of its most sweeping powers.

By this memorable reform the House took into its own hands the right to designate the members of the various committees, including the powerful Committee on Rules, which was materially enlarged. Under the new system, which is likely to survive, a committee is authorized by the majority party to nominate for its approval the chairmen of the various committees and also its allowance of committee members. Through the minority leader the minority party names the committee assignments allowed to it. A safe majority of the members of each committee is insured to the party in power.

6. The House Rules.—By virtue of the radical change here described, the Speakership is now clothed with only a remnant of its former powers. The office is still one of honor and dignity, but its functions are simply those of a presiding officer. He rules on all points of order, and he retains, of course, his former right of giving precedence when two or more members claim a right to the floor for motions or remarks. Even when only one member seeks recognition, the Speaker, as formerly, if he is unaware of the member's purpose, inquires: "For what purpose does the gentleman rise?" This is in the interest of orderly procedure.

There are times, however, when the Speaker ceases to be presiding officer. That is when the House transforms itself into a "Committee of the Whole" (i. e., a committee of all the House) to consider revenue and appropriation bills in detail. On such occasions the Speaker leaves the chair after calling upon a member to take his place and to serve as chairman of the committee; and when

the committee finishes its work the Speaker resumes his post. At these sessions greater latitude for speech-making is allowed the members.

The rules of the House are less favorable to debate than those of the Senate. One broad distinction that



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may be drawn between the methods of the two branches of Congress is that the House is the home of action and the Senate the home of discussion and review. It must be apparent to all that in a legislative body of several hundred members, it is essential to limit debate and to regulate the legislative process by strict system if its work is to be done on a business-like basis. Hence the House rules provide for a scientific order of business which must be strictly followed from day to day. It has

been stated that in some sessions less than one-fiftieth of the bills introduced in Congress are finally converted into law. Naturally enough, most of them originate in the House, which would be swamped if some orderly method of disposing of them, and of sifting the good from the bad or doubtful, were not followed.

7. The Committee Workshops.—It is by the agency of the committees that the House is able to work its way through the giant accumulation of new bills. Legislation in the House is to a great extent committee legislation. There are more than sixty committees in the House, and these are the mills that turn out the grist for the finishing operations of the main legislative body. As the House is to a far less extent than the Senate a parliamentary forum, the House committees play a relatively more important part in the actual work of legislation than do those of the Senate.

The two leading committees of the House are the Ways and Means committee and the Appropriations committee. Of almost equal prominence and power are committees on Interstate and Foreign Commerce and on the Judiciary. Measures designed for the raising of revenue are intrusted to the Ways and Means committee, while most of those relating to the immense disbursements by the government are prepared by the Appropriations committee. The Ways and Means committee can boast a special distinction and authority because it takes the first step in the exercise of the special power, given to the House by the Constitution, of originating revenue bills. While the Appropriations committee is its close rival, assignments to Ways and Means have generally been regarded as the first prizes of committee service, and its chairman has generally been recognized as the floor leader of the majority party.

As to the other committees, their relative importance depends from time to time upon the operations of government, the varying activities of the several departments and the degree of public interest in special legislative policies of Congress. It can readily be understood that during our war with Germany the committees on Military Affairs and on Naval Affairs in the two branches of Congress were charged with exceptionally large authority and grave responsibilities.

THE NATIONAL BUDGET

8. The New Budget System.—In the early summer of 1921 Congress passed a law, known as the Budget and Accounting act, by which the old methods of estimating the government's expenses for each coming year, and of preparing the appropriation bills for meeting such expenses, were radically changed.

Under the old system, seven House committees, in addition to the general Appropriations committee, were charged with the duty of framing appropriation bills for departments of the government, such as the War, Navy, Postoffice and Agriculture departments; or for special public purposes, such as the improvement of rivers and harbors. These committees based their claims for appropriations on their own "estimates" of the sums required by the various departments which they represented. The general Appropriations committee made estimates of all government needs not covered by the estimates of the seven other committees. All these estimates, when finally worked out, were put in the shape of appropriation bills and then reported to the House for discussion and adoption.

Thus the task of calculating the money requirements of the government was divided among eight separate and

independent committees. These appropriation bills had to be passed not only by the House, but also by the Senate, and signed by the President, before the money could be expended by the government. The items of the various bills were often changed, after they had left the committees, by amendments in either branch of Congress. But the reports and recommendations of the committees had a great deal to do with determining the size of the government's expenditures. Each of the



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BEHIND THE SCENES

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minor committees that reported appropriation bills was naturally eager to make liberal provisions for the department it represented, without much regard to the demands of the other committees or to the government's probable income from taxation.

It was a haphazard, go-as-you-please system. It encouraged extravagance, because each committee was

more interested in making a good showing for its department than in keeping down the estimates and limiting the expenditures.

After the close of the World War, when the appropriations of Congress had exceeded all previous volumes, a strong agitation developed for a more business-like, economical system of estimating the government's needs from year to year, and in framing the appropriation bills. Great financial experts went on record with the opinion that the appropriation methods of Congress were slipshod and wasteful. It was their judgment that some strong central authority should be created which would have control of the estimates for all the departments, survey the whole field of expenditure for itself, strike a right balance between the claims of the departments for funds, and keep all appropriations down to the lowest possible limits.

9. The Bureau of the Budget.—The sequel of this agitation was National Budget Reform. The Budget and Accounting law of 1921 established a Bureau of the Budget in the Treasury department, with a Director and Assistant Director at its head. Under the new system it is the duty of the Director to investigate thoroughly the affairs of all the departments. In the performance of this task he has at his command all the government's records showing its income and expenditure for the passing year. The departments are required to compile for his use careful estimates of their needs for the year to come.

With all this information before him the Director proceeds to make his budget. This budget is a very careful general estimate, setting forth, item by item, the entire volume of appropriations necessary for the government's support in the next fiscal year, as it is called. The budget provides for the proper division of funds among

all the departments, according to the Director's best judgment of their respective needs.

The *fiscal* year covered by the Director's estimates, or budget, is the government's financial year, or the twelvemonth by which the government's financial transactions are reckoned. Unlike our calendar year, the fiscal year begins on July 1st and ends on the following June 30th.

It is expected that in his great work the Director will be influenced by no motive or desire save that of producing a methodical, reliable, business-like report of the government's financial needs.

When the Director's annual task is accomplished, his report goes to his official chief, the Secretary of the Treasury. The Secretary transfers it to the President, and the President sends it to Congress.

The new system is sometimes called the Executive budget, because the President for the first time takes a hand in the preparation of appropriation bills. Formerly his only authority in this connection was his right to veto such bills when enacted by Congress. This right was rarely used, because the veto of an appropriation bill might cripple the operations of the government.

General Charles G. Dawes of Illinois, appointed by President Harding, was the first Budget Director. Soon after taking office he said: "I am the eyes and ears of the President." This figure of speech well expressed the nature of his functions.

Before it becomes a law the budget must be adopted by Congress. In turning over to a bureau in one of the executive departments the duty of shaping the annual budget, Congress did not, and could not under the Constitution, give up its right of making all appropriations by legislative acts. It still retains the power to alter

the budget as it pleases. It can accept all the Director's items, or it can accept some, reject some and add others. The budget is therefore a carefully constructed, scientific chart for the guidance of Congress. But Congress will doubtless be impelled to respect the recommendations of the Budget Bureau and to be influenced by them in its policy of expenditures.

The budget, when it reaches the House, is referred to the general Appropriations committee for consideration, discussion and a report. This committee has been enlarged, and it is now the only House committee charged with the duty of reporting appropriation bills. In the Senate the duty of reporting on the budget is performed by its own Appropriations committee.

THE LEGISLATIVE MILL

10. **Tracing the Progress of a Bill.**—The House committees wield a large power over legislation in its early stages. When it is stated that as many as 45,000 bills have been introduced in a single two-years term of the House, we can form some idea of the magnitude of the task assigned to the committees.

This is the story of a bill introduced in the House: The bill is first dropped, let us say, by Mr. X into a basket on the Clerk's desk known as "the hopper." The Speaker's clerk goes through the batch of new bills, and assigns the X bill to the appropriate committee. The bill is numbered and proper records are made of its introduction, and the bill is sent to the Government Printing Office, where a number of copies of it are struck off. The copies are deposited in the Document room of the House, where they are procurable by the members. The committee considers the bill at one of its meetings, and decides either to report it in its original form or to report

it with amendments. Sometimes extensive hearings on the bill are accorded its friends and opponents. After the committee has approved the X bill either with or without amendments, it is reported to the House, with a recommendation that it be passed. The Clerk receives it, and refers it and the report to the House calendar.

If it is a public bill involving the raising of revenue or an appropriation of money, it is referred to the "Calendar



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ONE OF THE WORKSHOPS

A committee of Congress listening to arguments for and against a proposed bill.

of the Committee of the Whole House on the State of the Union." If it is an ordinary public bill it goes to the House calendar, and if a private bill to the private calendar. More records of it are now made, and if it has been amended in committee, another batch of copies is printed carrying the calendar number and showing the proposed amendments.

Various are the ways provided by the House rules for taking up a bill once it is on a calendar, depending upon its nature, whether privileged or not. It may be

taken up by unanimous consent; it may be called up on Calendar Wednesday by direction of the committee reporting it; it may be passed under suspension of the rules; it may come up on certain days if it is a private bill; or it may take precedence over other bills if it is an appropriation or revenue bill. If in the view of the Rules committee, the bill deserves prompt and special consideration, that committee may bring in a rule for its immediate consideration and prescribe the terms under which it may be considered, overriding all rules save the rule for a motion to recommit—that is, to return it to the committee. Ordinarily the duration of the debate is determined by the importance of the measure. The discussion is generally opened by the chairman of the committee in charge, and unless a specified time has been set for debate, it is ended by a motion for the “previous question”—that is, for an immediate vote.

The X bill being passed, that fact is certified by the Clerk of the House, and the certified copy is carried by him to the Senate, where it is received by the Vice President and by him referred to the Senate committee having authority over the subject matter. Here it undergoes another process of examination. The Senate committee, in turn, is at liberty to shelve or “pigeon-hole” it, to approve as it stands, or to make amendments of its own. If approved or amended the X bill is reported in due time to the Senate. If passed by that body it is returned to the House. If the bill has been amended by the Senate and the House accepts the amendment, that ends the matter, and the bill is signed by the Speaker and the Vice President and is presented by the Committee on Enrolled Bills to the President for his approval or rejection, as the case may be. But if, on the other hand, the House disagrees to the Senate amendments, the Senate is so

informed, and if it still insists upon its amendments, each branch appoints representatives to a joint conference committee, which is charged with the duty of compromising the differences between the two bills. The committee nearly always reaches an agreement, and its report is almost invariably confirmed by the vote of the two branches.

This is an outline of the progress of an ordinary measure to final adoption. In the case of bills of major importance, as for example, a general tariff bill, both House and Senate committee in charge of such legislation hold public hearings for the discussion of the legislation in hand, and listen to arguments for or against the measure, from citizens who may favor or oppose its passage. It sometimes happens that the Senate and House committees are far apart in their final conclusions as to the details of grave measures, and in such cases a heavy responsibility is intrusted to the conference committee.

11. How Time is Economized.—The X bill has smooth sailing compared with the great mass of bills submitted. Much of the time of the committee is given to the rejection of bills, and the committee rooms are, as has been intimated, the graveyards of a very heavy percentage of the Congress offerings. But once a bill escapes from the committee into the House, it is disposed of with clock-like precision and promptness.

It was not always thus. There was a time when the minority of the House was armed with effective weapons for impeding and prolonging debates on partisan legislation, particularly by refusing to vote and leaving the House without a quorum on the roll call. This dilatory process was called "filibustering." Its effectiveness departed in 1890, when under the ruling of the Speaker any

member within the chamber and not voting could be counted as forming a part of the quorum. Members could not escape the new rule by remaining away from the session, as the Sergeant-at-Arms was empowered to bring them to the bar of the House, where the Clerk's tally would do the rest. There is no longer any room for the strategic delay of a vote in the House, though the Senate, as will be noted, still permits a generous leeway in that regard.

While the House rules are usually pretty rigid, they are sometimes relaxed for urgent reasons. As a matter of courtesy, and if no objection is made, a member is occasionally permitted to call for the consideration, outside of the regular order, of an emergency measure in which he is interested. Again, the regular order is now and then interrupted to give one of the important committees an opportunity for action upon some pressing measure. There are certain days, moreover, on which the rules can be suspended by a two-thirds vote for the passage of bills.

IN THE UPPER BRANCH

12. **The Senate.**—One of the respects in which the Senate differs from the House is that the terms of service of all its members do not end on the same day. While each Senator is elected for six years, at the beginning of the government the Constitution provided that the Senators first elected should be divided into three classes, the first class to serve two years, the second four years, and the third six years; and that all classes were thereafter to be chosen for the full term of six years. This original grading of the terms was in order to get in motion a system under which only one-third of the members would be elected every two years. In other words,

the plan was to guard against the ending of the terms of all the Senators on the same day. The purpose of its framers was to make the Senate a distinctively conservative and deliberative body. With this object in view the Senators were given longer terms than the Representatives; and the minimum age limit for Senators was put at thirty years as against the twenty-five years minimum



STATUARY HALL IN THE CAPITOL

for Representatives. Operating to the same end was the arrangement whereby two-thirds of the Senators are always holding over when the term of a new House of Representatives begins. This insures a certain continuity of service on the part of two-thirds of the Senate, though the fixed terms of all the Representatives regularly expire on March 4th of every odd year.

The expirations of the terms of Senators are so timed that every even year the people of one-third of the States elect Senators to take their seats on March 4th following.

Should the seat of a Senator be left vacant by any cause, the Constitution requires the Governor of the State concerned to call a special election for the filling of the vacancy, unless he is empowered by the Legislature to make a temporary appointment of a Senator until such time as the Legislature may direct.

In order to avoid the expense of a special election, it is the custom of Legislatures to authorize the Governor to fill vacancies until the next regular election. In such cases it may happen that the people of a State elect two Senators on the same election day; but only one of them is chosen for the full term of six years, while the other is chosen for the unexpired term of the Senator whose seat was vacated. It should here be observed that where a vacancy occurs in the House of Representatives, it cannot be filled temporarily except by a special election called by the Governor.

13. The Senate's Triple Function.—Seats in the Senate are highly prized not alone for their honor or dignity, or because its membership is relatively small and select and represents the important State units, but also because the body is charged with peculiar responsibilities.

We have seen that the President may, in turn, exercise three kinds of civil power—executive, appointive, and, through his right of approval or veto, legislative power. It has been pointed out that the Senate, too, may, by virtue of its constitutional privileges, perform triple functions. With the House it legislates. With the President it takes part in the executive process of making appointments to office and completing treaty agreements. Finally, when the occasion arises, it can assume a judicial authority by sitting as a Court of Impeachment when the President or other Federal officers are formally accused by the House of "high crimes and misdemeanors."

14. The Senate's License of Debate.—Legislation follows the same general course in the Senate as in the House, up to the time it is favorably reported by the committees. The Senate committees until recently were more numerous than those of the House, and there are some differences in the titles of the corresponding committees of the two bodies. On the whole there is little difference in their committee dealings with bills. But when the legislative stage proper is reached in the Senate, its parliamentary methods are in striking contrast with those of the House.

As a deliberative body, the Senate, unlike the House, has clung to a code of rules allowing large latitude of discussion. Up to a recent period, a Senate majority, no matter how large, was powerless to force a bill to passage, if a mere handful of Senators was disposed to resist and to take full advantage of their parliamentary privileges. There was no way of moving the "previous question," as in the House, because the Senate had always deemed it an essential safeguard of its independent and conservative status to maintain unlimited freedom of discussion. By adhering to this rule, it has occasionally caused serious embarrassment. Not a few times since the Civil War rebellious Senators have blocked the passage of important bills in the closing hours of a session by the simple process of talking them to death.

Cases are on record where one Senator with this object in mind kept the floor for from ten to fifteen or more hours, killing time by reading passage after passage of irrelevant matter from books or pamphlets, until the clock pointed to the hour for final adjournment, or until his fellow Senators, in sheer weariness, consented to abandon the bill. From time to time Senators who had no sympathy with this rigid system have urged the adoption of a rule

permitting a Senate "cloture," or closing of debate, in urgent cases; but all such efforts were unavailing until a flagrant exercise of this power of obstruction by a small minority stirred the indignation of the country and convinced a majority of the Senate that the time had come for a modification of its rules.

15. **Cloture in the Senate.**—Toward the end of the short session of 1916-17 and after Germany had announced her policy of submarine terrorism, the President asked Congress for authority to arm American merchantmen for defense against undersea attacks. A great majority of the members of both branches of Congress were ready and eager to comply, and the necessary bill was promptly passed by the House. In the other branch, however, eleven Senators, less than one-eighth of the membership, determined to resist, and by "filibustering" and time-killing speeches, they accomplished their purpose and "held up" the bill. Their act was condemned by the President and provoked bitter reproaches from press and people; and the sequel was a strenuous popular demand for a change in Senate rules that would prevent any recurrence of a Senatorial blockade in a grave and critical time.

The result was the adoption by the Senate, in 1917, of a parliamentary rule of modified "cloture." By its terms the Senate can, at any time, by a two-thirds vote, name a day for the summary ending of debate. Whenever the rule is invoked, a generous margin for discussion is still left to the Senate, inasmuch as each Senator can speak on the bill for an hour. But the merit of the change is that the old license of discussion is limited whenever a strong sentiment in the Senate favors that course. Even with this reform in force in the Senate, its right of thorough deliberation is substantially pre-

served, and it is hardly probable that it will return to the system of unlimited debate which marked its procedure for over a century and a quarter.

16. Senate and Vice President.—The presiding officer of the Senate is the Vice President of the United States. This office is one of high dignity and honor, and it has been held by Americans of historic celebrity, including eight who succeeded to the Presidency either by election or by constitutional right to fill an accidental vacancy, namely, John Adams, Jefferson, Van Buren, Tyler, Fillmore, Johnson, Arthur, and Roosevelt.

The Vice President's service as presiding officer of the Senate is his sole official duty under the Constitution. In that capacity he has no share in legislation, except in the event of an even division of the Senate on a measure or resolution, when he is empowered to decide the question by casting his vote. He takes no part in the organization of the Senate or in the committee assignments, which have always been within the exclusive province of the Senate proper. There is one case on record, however, in which the vote of the Vice President determined the committee appointments. That was in 1881, when the Senate was tied in its division over the party lists of committeemen, and Vice President Arthur voted for the Republican list and broke the tie in the face of Democratic protests.

17. Executive Sessions.—One distinctive rule of the Senate calls for secret, or "executive" sessions, for the consideration of treaties and of the President's nominations for office. The theory underlying this custom is that our relations with foreign governments are often of so delicate a character as to require confidential discussion by the ratifying body; and that the personal fitness of the President's appointees should be scrutinized and

debated behind a similar screen of privacy. But in one recent historic case the Senate formally relinquished the right of secret discussion. When President Wilson submitted to the Senate the treaty between the allied and associated powers and Germany, in 1919, the long Senatorial discussion that followed was conducted in open session and reported by the press of the country.

18. Compensation and Privileges.—Senators and Representatives in Congress draw the same salaries from the Government—\$7,500 per annum. In addition, each member of either branch is allowed mileage for each session of twenty cents a mile by the nearest railroad route in journeying to and from Washington; and each has the services of one or more clerks who are paid by the government. In the House each member has an allowance of \$3,200 per annum for clerks. He may appoint one clerk or two. If he has two clerks the allowance is divided. The names of the clerks are entered on the rolls as in the case of other House employees.

The Congressional Record is a publication containing full reports of the Senate and House debates. It is printed daily when Congress is in session. Congress also issues a Congressional Directory, containing biographies of its members and other data.

Free stationery is, of course, among the Congressman's perquisites, and he also enjoys the franking privilege, whereby he can forward letters and documents to his constituents without postage. The Speaker of the House is allowed an annual salary of \$12,000, and in that respect he is on a par with the Vice President. Members of Congress enjoy one special immunity, owing to the constitutional decree that they shall not be subject to arrest while attending, or going to or returning from, a legislative session, except for treason, felony or breach

of the peace. It is further provided that they cannot legally be held to account elsewhere for their utterances in parliamentary debate.

QUESTION GUIDE TO CHAPTER V

1. What is the House of Representatives often called? Why? In what respect does it differ from the Federal Senate?

2. What was the basis for apportioning the number of Representatives, as laid down by the Constitution? When was the first Federal census taken? What was the population? What was the apportionment ratio determined by the First Congress? Why was it necessary to increase the ratio? Tell of the progress of the ratio.

3. What difficulties confront State Legislatures in determining Congress districts? What is the origin of "gerrymandering"? How do the difficulties and temptations of apportionment affect Congress districts?

4. When are Senators and Representatives chosen? When does the term of a Congress elected in a given even year begin? When does a newly elected Congress meet if no special session is called? Explain the difference between the long and short sessions of Congress. What is a peculiarity of the regular short session following an election? Give example.

5. What is the first important duty of the newly elected House? When are candidates for its various offices nominated? Why was the Speaker's authority diminished? Under the new system, who has the authority to appoint committees and what form of selection is observed?

6. What are the functions of the Speaker under this new law? When does the Speaker leave the chair?

7. Through what agencies does the House accomplish most of its work? Name the leading committees of the House? What are the chief functions of the Ways and Means and the Appropriations Committees?

8. When did Congress pass the law for a National Budget? How were appropriation bills formerly prepared in the House of Representatives? What faults did the old system reveal? What remedy did its opponents suggest?

9. What new system did the Budget and Accounting act provide for? How does the Director of the Bureau of the Budget proceed in making his budget? How would you describe the budget?

What is done with it when the Director completes it? Who sends it and when is it sent to Congress? What is the new budget sometimes called? What are the rights of Congress regarding the budget? What is done with the budget after it reaches the House?

10. Describe the way in which a measure is introduced in the House. If a bill is approved, what is the next step? How is the length of debate determined? The X bill, having passed the House, what becomes of it? What are the Senate's methods of treatment? If the X bill is approved by the Senate in amended form and the House accepts the Senate's changes, what happens? In the event the House refuses to accept the change in a bill by the Senate, what is the form of procedure? If a bill of unusual importance is under consideration, what course is followed?

11. What is the meaning of "filibustering"? Is the regular order of presenting a bill, according to the calendar, ever changed? How and why is this done?

12. In what way does the term of service of a Senator differ from that of a Representative? For how long a term are Senators elected? Give minimum age limit of Senators. Of Representatives. How many of the Senators hold over when a new House is chosen? When the seat of a Senator is vacated, how is the vacancy filled? What is the proceeding when a vacancy occurs in the House of Representatives?

13. In what way do the powers of the Senate compare with those of the President? What are the peculiar powers vested in the Senate?

14. In what marked respect does discussion in the House differ from that in the Senate?

15. When was the Senate rule of cloture modified? Tell what led to this change. How is the length of debate now sometimes determined?

16. Who is the presiding officer over the Senate? Name those who have succeeded to the Presidency. What is the Vice President's duty under the Constitution? When only is he allowed a vote?

17. What is the rule of the Senate in discussing treaties and executive nominations for office and what is the reason for it? In what instance was the right of secret discussion relinquished?

18. What are the salaries of Senators and of Representatives? Give salary of the Vice President and also of the Speaker of the House. What special immunity is provided in the Constitution for Congressmen?

CHAPTER VI

THE FEDERAL JUDICIARY

It is emphatically the province and duty of the judicial department to say what the law is.—CHIEF JUSTICE JOHN MARSHALL.

1. **The United States Supreme Court.**—The nine Justices of the Supreme Court are virtually appointed for life, and are therefore not removable from office during good behavior. Like the President, a Justice can be impeached, and convicted by a two-thirds vote of the Senate for “treason, bribery or other high crimes or misdemeanors”; but in no other way can his term of service be ended, save by his death or his resignation.

Of all our Federal offices, the judges alone, including those of the minor courts, are thus favored by what is, for all practical purposes, a life term. After they take office, they are answerable to no outside authority; and as their official tenure is not limited they are not required to run the gauntlet of popular scrutiny, after the manner of Presidents, Senators and Representatives who seek a renewal of their trusts. They constitute a branch of the government unrelated to any other or to the people by ties of political self-interest. They are not called upon to deal with questions of policy. The only duty of the Supreme Court is to interpret the Constitution, and to square with the Constitution the laws of Congress and of the States. It is to encourage and enable its mem-

bers to perform that duty without personal bias or the fear of political consequences that they are chosen to serve without any time limitation and are set aside in an independent official class, safe from interference, even by the people.

2. Its Sphere and Power.—The Supreme Court passes only on questions which are brought before it in the regular judicial process by appeals from the State or lower Federal courts. Early in our history it established the precedent of declining to give advice on administrative or legislative problems, merely for the assistance or guidance of officers of the government. Its jurisdiction embraces appeals in all cases in law and equity arising under the Constitution, the laws and the treaties of the United States, and such other cases as are outlined in Article III. Necessarily the questions calling for its judgment cover a wide range. While it has no right or desire to determine the course of legislation or the shaping of national policies, its decisions often have the effect of settling political issues which, without its final verdict, would continue to be a cause of public agitation or of partisan contention.

Our court of last resort, therefore, wields an enormous power within its tranquil sphere. No officer or official power in the Republic can reverse or overrule its decisions on questions within its constitutional province. But this is not saying that a Supreme Court cannot alter the decisions of a previous court. The personnel of the tribunal periodically changes, of course, by death or resignation; and on a few occasions in our history a judgment of the court was changed by a later bench in which new members had turned the balance the other way. The expression "turned the balance" is appropriate because close divisions of the Supreme Court on ques-

tions of the first importance are by no means uncommon. More than once since the Civil War the court has decided grave issues by the smallest possible margin—by a vote of five to four. But it is nearly always safe to assume that an opinion to which a majority of the court subscribes is final.



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IN THEIR ROBES OF OFFICE

The Justices of the Supreme Court as that body was constituted in 1921, after the appointment of former President Taft to succeed the late Edward Douglass White as Chief Justice. Justice Taft is seated in the center.

3. Its Membership and Famous Justices.—Originally the Supreme Court was composed of six members by act of Congress—a Chief Justice and five Associate Justices—but the membership was increased to nine by various enactments of Congress. In view of the life tenure of membership, it is not surprising that long records of

service are common in the court. Though it was established in 1789, only ten men have held the distinguished office of Chief Justice. It is well to record their names and the duration of their terms, as follows: John Jay of New York (1789-1795); John Rutledge of South Carolina (1795-1795); Oliver Ellsworth of Connecticut (1796-1800); John Marshall of Virginia (1801-1835); Roger B. Taney of Maryland (1836-1864); Salmon P. Chase of Ohio (1864-1873); Morrison R. Waite of Ohio (1874-1888); Melville W. Fuller of Illinois (1888-1910); Edward D. White of Louisiana (1910-1921); William H. Taft of Ohio and Connecticut (1921-). Of these, Chief Justice Rutledge's services were cut short by the refusal of the Senate to confirm his nomination; so that, strictly speaking, only nine Justices have presided in the court, with regular credentials, in more than 130 years. It will be seen that the combined terms of four of the Supreme Court Justices, Marshall, Taney, Waite and Fuller, lack only two years of a century of time.

4. How the Court Works.—The Supreme Court meets each year early in October and continues its session, save for Christmas and Easter recesses, until the following June. In this eight months' period of activity its members attend at their chambers in the Capitol every week day. They devote five days to hearing cases—that is, to listening to the briefs and arguments of opposing counsel. On the first of these days, Monday, they also hand down their opinions on cases they have disposed of. Saturday they devote to consultation or conference among themselves. While holding open sessions of the court, for hearings, the Justices are ranged behind an elevated desk, with the Chief Justice occupying the middle seat, and flanked on either side by the Associate Justices, seated according to the length of service.

After the court has heard the pleas on both sides, its members take home for study copies of the opposing briefs, or written arguments. In due time the Justices, having mastered the subject of a given cause, take it up at the Saturday consultation, where their views are freely exchanged. On hearsay evidence—for the secrets of the council chamber are closely guarded—it is said that, where there is a sharp divergence of opinion, these discussions are frequently animated. When the canvass of



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THE SUPREME COURT CHAMBER

Where the court hears arguments. The chairs to the left are for lawyers pleading cases. There is a railed off space for the public. Back of the pillars are located the offices of the Justices.

individual views is completed in a case, the Chief Justice calls the roll and the court is polled to determine whether judgment shall be rendered for or against the appellant. When this is decided, the Chief Justice designates one of the members to write the majority opinion. At later conferences the drafted opinion is submitted for consideration. As a rule, it is studied, criticized and finally amended, sometimes radically. When the docu-

ment reaches its final shape, it stands as the formal opinion of the Court.

But individual judges often persist in their disagreements, and delegate one of their number to prepare a dissenting opinion. Sometimes more than one minority opinion is thus rendered. These expressions of judicial dissent become a part of the record, but they are purely of the nature of a protest and give the defeated party no advantage. Nearly every judgment of our highest court affects important interests or large bodies of citizens, and the specified days for handing down opinions are a signal for eager attention on the part of Washington correspondents and many newspaper readers.

5. The Other Federal Courts.—The important cases that reach the nine distinguished judges of the Supreme Court constitute but a small fraction of the mass of judicial business calling for the attention of the Federal courts. When we consider that crimes against the Federal laws, such as counterfeiting, smuggling, improper use of the mails and the like are beyond the jurisdiction of the State courts, and never come within the province of the Federal Supreme Court unless some grave constitutional principle is involved, it will be realized that many minor Federal courts are necessary to sit in judgment on these offenses. We must also take into account a large number of civil actions that may come under the Federal laws. These cases, too, fall within the jurisdiction of the lesser departments of the Federal bench. Ordinary lawsuits between citizens of different States can be tried in minor Federal courts, but the choice rests with the defendants, and attorneys often prefer to resort to the State tribunals.

6. The Circuit Court of Appeals.—Of the minor Federal courts, the highest in rank and power is the

Circuit Court of Appeals. The country is divided into nine circuits by an act of Congress passed in 1891 for the purpose of creating local jurisdiction which would relieve the pressure on the Supreme Court. The Circuit Courts of Appeals of these several circuits pass only on cases carried up on appeal, and the great majority of their decisions are final. The circuits are formed by the grouping of States. The First circuit covers a part of New England. In the Second, Third, Sixth and Seventh circuits the populous States of New York, Pennsylvania, Ohio, Michigan and Illinois are included. The largest circuit in size is the Eighth, which contains thirteen States of the West and Southwest.

In all there were, in 1921, thirty-four judges in these courts, the number varying from three, the common allowance, to five in the Eighth circuit. The number of circuits was fixed at nine, because the nominal presiding officer in each is a Justice of the Supreme Court. The Supreme Court Justices, however, seldom sit in such cases, but rather exercise a general supervision over the judicial administration in their several districts.

7. The Federal District Judges.—The Federal District judges constitute by far the most numerous body of public servants charged with the administration of justice in the Federal field. They serve the lowest of the Federal courts, and the one, therefore, nearest to the people. The Federal districts are made up of entire States or subdivisions of States, and no district embraces more than one State. The districts within the boundaries of the larger States are named geographically, as northern, eastern, western, southern or middle. In the year 1921 there were 107 Federal District judges in office, and New York, as the most populous of the States with the greatest volume of judicial business, had nine of

these judges, with five for Pennsylvania, four for Illinois, and so on down to the smaller States, which had one each. In this total a Federal District judge is included, for the Panama Canal Zone and one for Porto Rico with two for Hawaii and four for Alaska. In some of the most populous and important districts more than one Federal judge holds court, as, for example, in the Southern district of New York (including the metropolis) where four judges are assigned for service.

The Federal District judges are prohibited from practicing law, and are obliged to live within the limits of their respective districts. It is their duty to preside over all trials for violation of Federal laws or of civil actions which do not come within the jurisdiction of State courts. Persons arrested for such crimes as making or circulating counterfeit money, fraud in bankruptcy to cheat creditors, smuggling, violation of the postal or revenue laws, are indicted by Federal grand juries and prosecuted in the Federal District courts. During the World War breaches or evasions of the special acts of Congress, such as the Espionage or Food acts, added materially to the criminal business of the Federal District courts. The civil actions brought before the Federal courts relate to disputes over the patent and copyright laws and the admiralty, bankruptcy and revenue laws.

8. Provisions for Appeal.—The procedure before the minor Federal courts differs in no essential particular from that which marks the trial of cases in the State courts of record, and defeated suitors or persons found guilty of crime therein have the same right of appeal as each State allows. In the Federal domain, appeal is taken to the Circuit Court of Appeals which has jurisdiction over the district in which the action is tried. As already stated, the decision of the Circuit Court of

Appeals is generally final. Few cases are deemed important enough, as involving some novel or vital constitutional issue, to be passed by the Circuit Court to the great Federal tribunal of last resort.

Associated with the Federal District courts in their labors are the United States District Attorneys and Marshals. These officials, while subject to the authority of the Federal District courts, must be classed as subordinates of the Department of Justice at Washington, of which the Attorney General is the recognized head.

9. Special Federal Courts.—Two special Federal courts invested with large responsibilities are the Court of Claims and the Court of Customs Appeals. Their titles give some clue to their distinctive functions.

The Court of Claims was established back in 1855. It consists of a Chief Justice and four Associate Justices. This tribunal was created to provide a judicial agency for the impartial investigation of claims against the government and to open a way for their just settlement. As a nation cannot be sued without its own consent, the allowance of claims against it is a matter of government grace. Prior to 1855 claims of this kind were acted upon by Congress in its discretion; but the system was never satisfactory, because it imposed an unnecessary burden upon that body and moreover encouraged the play of favoritism and privilege. With the advent of the new court, an impartial body was established to decide on the merits of claims and petitions calling for money settlement and to report its judgments to Congress. The court has nothing to do with pension claims, but it passes on claims founded on the Constitution or the laws of Congress, or arising from the regulations of the executive departments or from the execution or alleged violation of any government contract.

Unlike the regular courts, the Court of Claims has no means of enforcing its decisions without the co-operation of Congress. Its function is that of an advisory tribunal for the guidance of Congress. In a word, it decides, after a careful hearing, what amount, if any, is legally or equitably due the claimant in each case, and so reports to Congress, which alone can make the necessary appropriation to satisfy the claim. Congress is generally influenced by its judgments. But appeals from the rulings of the court may be made to the Supreme Court on questions of law.

A simple title for the Court of Customs Appeals would be the tariff court. Its mission is to settle disputes springing from the construction of the tariff law at the several ports of entry, and the appellants (or complainants) are usually persons engaged in the importing business. The court is composed of five members, including a Chief Judge. A familiar cause of complaint in such cases, and one fairly typical, arises from the classification of incoming merchandise by customs officials or the General Board of Appraisers. The importer who considers himself aggrieved by the classification of his goods and the tariff rates charged thereon has the right to carry his complaint to the Customs Court within sixty days, and its decision is final.

QUESTION GUIDE TO CHAPTER VI

1. How many Justices of the Supreme Court are there, and what is their term of office? Under what circumstances can a Justice of the Supreme Court be removed? What distinction has the office of Justice compared with all other Federal offices as regards its term of service and its relation to politics?

2. What are the duties of the Supreme Court? Can the decisions of the Supreme Court be reversed or overruled by another power? Can they be altered by itself? Tell how this has been done.

3. The Supreme Court was originally composed of how many members? How were they classified? The Supreme Court was established by the enactments of what body? In what year? How many men have held the office of Chief Justice to date? Give names and dates.

4. In what month does the Supreme Court meet each year? When does its session adjourn? How much time is devoted to the hearing of cases and when are opinions handed down? In what order and where do the Justices of the Supreme Court sit while holding open session? Tell the course followed before the final decision. In what way is the minority judgment sometimes recorded?

5. Do many of the enormous number of crimes against Federal laws reach the Supreme Court for decision? What is necessary for the disposition of such cases? Name some of the crimes that fall under the jurisdiction of the lesser departments of the Federal bench. How are ordinary civil actions between citizens of the different States disposed of?

6. Of the minor Federal courts, which is highest in rank and power? For what purpose were the nine circuits created? This act was passed in what year? On what cases do the Circuit Courts of Appeals pass? What is the usual effect of their decision? How are the circuits formed? Where is the First circuit located? What circuit covers the largest number of States? How many judges in these circuits, and how do their numbers vary? Why was the number of circuits fixed at nine?

7. What is the largest class of Federal judges? Tell how the Federal districts are made up. How are the districts in the large States named? How many Federal District judges were in office in 1921? Give a general idea of their distribution? What restrictions are placed upon them and what cases come under their jurisdiction? Name some of the civil cases brought before the Federal District courts.

8. If appeal is taken in a Federal District court, what court usually renders the decision?

9. Name the two special Federal courts invested with important functions. When was the Court of Claims established? Of what does it consist? Tell something of government claims. Why was Congress relieved of this responsibility? What claims are submitted to this court and what is necessary to their enforcement? Tell something about its methods.

CHAPTER VII

THE CABINET AND THE DEPARTMENTS

Government is a trust, and the officers of the government are trustees.—HENRY CLAY.

1. **How the Cabinet Grew.**—The members of the Cabinet comprise the President's official household and maintain confidential relations with him. The government departments of which they are the respective heads were brought into existence, from time to time, by acts of Congress:

At the beginning Congress established three Federal departments, the chiefs of which served in Washington's Cabinet. They were the departments of State, of the Treasury and of War. Soon afterwards the office of Attorney General was created, and President Washington included its occupant among his Cabinet advisers. By 1913 the membership of the Cabinet had increased to ten. The titles of the offices and the years the offices first acquired such importance were as follows: Secretary of State, 1789; Secretary of the Treasury, 1789; Secretary of War, 1789; Attorney General, 1789; Secretary of the Navy, 1798; Postmaster General, 1829; Secretary of the Interior, 1849; Secretary of Agriculture, 1889; Secretary of Commerce, 1913; Secretary of Labor, 1913.

While this list indicates the order in which the heads of the ten departments were originally admitted to the

President's Cabinet council, it does not measure the respective ages of all of the departments. A Postoffice department existed from Washington's time, and a Bureau of Agriculture appeared in 1862 with a commissioner at its head. In 1903, during Roosevelt's first administration, Congress established a Department of Commerce and Labor with a single Cabinet Secretary, but it was not until ten years later that it was divided, with a Secretary in charge of each section.

The Constitution makes no reference to a Presidential Cabinet. The President has full control over everything relating to his official advisers, as the Cabinet members are called. President Harding made an interesting departure from custom when, after his inauguration in March, 1921, he invited Vice President Coolidge to attend the sessions of the Cabinet and to take part in its deliberations.

2. The Secretary of State.—The various titles give a good general idea of the spheres and functions of the Cabinet departments. The ranking member of the body is the Secretary of State, who is intrusted with the conduct and supervision of the foreign affairs of the government. We have seen that this officer is the first named in the Presidential Succession act as the legal heir to the executive authority, in the event of the death of both the President and Vice President. This distinction reflects the high traditional regard in which the post of foreign secretary is held. Among the famous Americans who occupied it in the old days before the Civil War were Thomas Jefferson, James Madison, James Monroe, John Quincy Adams, Martin Van Buren, and James Buchanan, all of whom were afterwards elected to the Presidency; and John Marshall, Henry Clay, Daniel Webster and John C. Calhoun. In the last half century

the honor and dignity of the office have been well maintained, and it has been a familiar practice of Presidents-elect to tender the State portfolio to men who had been their convention rivals for the nomination or who had acquired national fame as party leaders. Of appointments of this distinguished type since 1860, Secretaries William H. Seward, James G. Blaine, Thomas F. Bayard, John Sherman, Elihu Root and William J. Bryan may be mentioned.

At the Cabinet meetings (which are held on Tuesdays and Fridays unless a sudden emergency necessitates a special session) the Secretary of State sits at the President's right. He is the official chief, subject only to the President's supreme supervision, of all our diplomatic representatives in foreign countries, ambassadors, ministers, consuls and special envoys or commissioners. To him the President confides special charge of our foreign relations, including diplomatic intercourse with the numerous foreign ambassadors and ministers resident in Washington. Our correspondence with foreign governments on important subjects and the instructions to American diplomats at their capitals are signed by the Secretary of State. An Under Secretary and three Assistant Secretaries relieve him of a part of his responsibilities, and in his absence the Under Secretary takes his place in urgent transactions.

During the first years of the World War and while our neutrality was still preserved, the American public became familiar with the official signature of the Secretary of State to all of our diplomatic notes to the German government. In the case of ordinary treaties, the Secretary is the most active factor, at least in the preliminary negotiations on behalf of our government. His ceremonial duties are noteworthy, for he is expected to

receive all the new diplomatic representatives of foreign countries and present them to the President; and it is he, moreover, who issues passports to American citizens desiring to travel abroad. While he is preeminently the officer dealing with our foreign affairs, he also performs interesting duties relating to official matters at home, as might be inferred from the title of his office. He countersigns the strictly official announcements and proclamations of the President, of which the annual Thanksgiving address is a well known example, and the President's communications to State executives. It is also a part of his duty to publish completed treaties and to proclaim constitutional amendments after their ratification.

Like all the other Cabinet departments, that of the Secretary of State is divided into a number of bureaus. In the business sense, at least, the Consular bureau is its most important division, and the Director of Consular service and the chairman of the bureau proper rank among the leading officials of the department next to the assistant Secretaries. Our consuls are distributed throughout the civilized world, and they are the business agents of the government, as distinct from its diplomatic representatives, in foreign territory. The State department is the nerve center of these far-flung branches of consular service, and the Consular Bureau is rated high in the weight and variety of its responsibilities, among the constituent bureaus of the great Washington departments.

3. The Secretary of the Treasury.—In the extent and gravity of his powers the Secretary of the Treasury is unsurpassed by any of his Cabinet colleagues, and there are times when he is easily foremost in these respects. As the administrator of the financial affairs of the national government his responsibility is heavy. In the course

of its financial operations he is frequently vested by Congress with discretionary authority which calls for a high degree of wisdom and executive skill. He is charged with the care of the public funds; the issuing of government bonds; the collection, disbursement and audit of national revenues; the administration of the currency laws; the general direction of the coinage and the operation of the mints; and, in addition, with the official supervision of a number of subordinate bureaus which, while they are not strictly related to government finance, have always been a part of the establishment of the Federal Treasury.



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A POCKET OF THE TREASURY

Some of Uncle Sam's small change. Each of these bags, stored in a treasury vault, holds \$1,000 in silver coin.

By virtue of his office—or *ex officio*, as it is called—the Secretary of the Treasury is chairman of the body known as the Federal Reserve Board, and one of his chief subordinates, the Comptroller of the Currency, is also an *ex officio* member of the Board. This Board exercises a large authority over the Federal Reserve system of national banks and their issues of money. It is the product of a law enacted by Congress in 1913, which worked a radical change in the character and principle of our bank currency.

4. Functions of the Treasury Department.—In its currency and general financial legislation Congress at

times delegates large powers to the Secretary, and this is particularly true of the bonding operations of the government—its borrowing on bonds to satisfy special financial needs—of which the last instance before the World War was the issue of government bonds for the construction of the Panama canal.

Among the official subordinates of this great department are the Register of the Treasury, who has special charge of the issuance and certification of all United States bonds; the Comptroller of the Currency, whose province it is to supervise the operation of the national banks; the Comptroller of the Treasury, who has general charge of the auditing (that is, the process of insuring correctness) of all disbursements from the Treasury, and who is assisted in his duties by special auditors or examiners for nearly all the departments; the Director of the Mint, who controls the government's work of coinage and assay, and the Commissioner of Internal Revenue—an officer charged with peculiarly weighty responsibilities since the collection of the Federal income tax was added to his ordinary functions. This officer has also large power in the enforcement of the National Prohibition act.

5. Uncle Sam's Tax Gatherers.—The collection of the vast revenues of the government, the proceeds of its taxation, requires the employment of a very large force of Treasury officials. The great bulk of this income passes through the hands of Collectors of Internal Revenue and their subordinates. Every State has at least one Internal Revenue collection district, with a collector in charge, and Alaska, Hawaii and the District of Columbia also have one each. In the more populous States extra districts and collectors are necessary. In 1921 New York had five districts in all, Ohio four, Penn-

sylvania three and Illinois, California, New Jersey, Michigan and Virginia two each. Internal taxes of every kind, from income taxes down to the smallest imposts on trifling commodities, reach the Internal Revenue collectors and are by them forwarded to the government.



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THE NEW YORK CUSTOM HOUSE

This is where the government's biggest stream of revenue from tariff duties is paid in, and where the record of all importations at the port of New York is kept.

Customs taxes, or the duties laid on imports from other countries, are paid to Collectors of Customs. At every regular port of entry for foreign goods a collector or a deputy collector is stationed. The main ports are about fifty in number. The salaries of the collectors in charge—and the same is true of the Collectors of Internal Revenue—are regulated by the amount of business done.

The Secretary of the Treasury is charged with the direction of government activities not related to finance,

as, for example, the system of public health protection at our ports. In this vital quarter he is responsible for the management of our national quarantine stations and marine hospitals and for safeguards against the introduction of contagious diseases by immigrants; and in this capacity he is expected to co-operate with the governments of the seaboard states. He is also the chief of the Coast Guard, which has absorbed the old life-saving and revenue-cutter services; and of the Federal Secret-Service, the title of which indicates its responsibility for ferreting out or preventing crimes against the Federal government.

6. The War and Navy Secretaries.—The Departments of War and the Navy may properly be considered together because of their common relation to the system of national defense. In recognition of the supremacy of the civil over the military power in the American democracy, the Secretary of War is usually a civilian. Very rarely and only for short periods have professional soldiers held the War portfolio. Generals Grant and John M. Schofield were each for a brief period the Secretary of War under President Johnson, as were Generals Rawlins and Sherman under President Grant, but these exceptions scarcely affect the rule that the official head of our War department shall be a civilian. In the case of the Navy the adherence to this principle has been even more uniform. In both departments, however, many duties of administration are intrusted to officers of the government's fighting branches.

While the Secretary of War is the real official head of his department, the army itself is under the immediate direction of the General Staff Corps, comprising more than fifty officers ranking from Captain to General. In addition we have distinguished officers charged with

varied functions, such as the Adjutant General, Inspector General, Chief of the Quartermaster Corps, Surgeon General, Judge-Advocate General, Chief Signal Officer, Chief of Ordnance and Chief of Engineers. One result of the World War was the revival of the rank of General of the Army, conferred by Congress upon John J. Pershing.

Our famous school of military instruction, the Academy at West Point, is within the official jurisdiction of the War department. The cadets at West Point owe their appointments, for the most part, to the recommendations of members of Congress, as they are named from the Congress districts. But special appointments to the Academy are reserved to the States as units and to the United States. The appointments, however, are not determined by political favor alone, as candidates for admission are required to pass a very strict examination.

The Secretary of the Navy is charged with responsibility for the administration of all that concerns our formidable fleet, and, like his colleague of the War department, he has the co-operation and advice of experienced officers detailed for important duties of command or supervision. Among the subdivisions of the department are the Bureau of Navigation, the Bureau of Yards and Docks, the Bureau of Ordnance, the Bureau of Construction and Repairs; and his subordinates also include a Judge-Advocate General. The direction of the United States Naval Academy at Annapolis is appropriately intrusted to this department.

7. The Department of Justice.—The Attorney General is the head of the Department of Justice. He is the officer directly intrusted with the execution of the Federal law in general—that is to say, where the carrying out of

statutes is not confided to new or existing officials designated for the purpose by Congress. The Washington staff surrounding the Attorney General is relatively small; but he is the official chief of a large body of functionaries distributed throughout the country, the United States District Attorneys and the United States Marshals, who co-operate with the Federal courts in the administration of justice. Each District Attorney prosecutes cases, and each Marshal serves warrants to make arrests. Every State has at least one Federal District Attorney and one Marshal. The largest number of each assigned to any State is New York's four, while several of the States have three. .

8. The Postoffice Department.—Of all the Cabinet departments, the Postoffice department is perhaps brought into the closest contact with the public, through its official direction of the government's activities as the carrier of the mail. Every postman who delivers letters at our doors is a subordinate of this department, and



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RURAL MAIL DELIVERY

Early experiments in collecting and delivering mail on country highways. This old-fashioned method is still employed in many rural districts, but in others it is giving way to auto-wagons and motorcycles.

every Postmaster is its local agent. The business transacted by the department was always relatively enormous, and its responsibilities have been increased in recent years by several remarkable improvements in the postal service.

One of these is the system of rural free delivery, whereby daily collections and deliveries of mail are made along country roads,

to the great convenience of the farming population. Still more important is the carrying of bulky packages by mail (parcel post). The latter service marks a radical departure in the operations of the Postoffice department. It was introduced, by act of Congress, on January 1, 1913, and at first the weight of packages carried

was limited to twenty pounds within a distance of 150 miles, and to eleven pounds for a greater distance. By later regulations the weight limit was gradually increased to seventy pounds within 300 miles and fifty pounds for

longer hauls. In view of the cheap rate of postage on such merchandise shipments, this new branch of the service has been a welcome accommodation to the public.

Another recent extension of postal activity has been the establishing of postal savings banks, which pay a low rate of interest on small deposits of money at Postoffices, and are conducted chiefly for the benefit of persons who do not patronize the



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A MODERN MERCURY

Aerial postmen who rival the telegraph. Beginning a postal service that will develop with the aeroplane.



Underwood & Underwood.

STAMP PRINTING BY MAGIC

A wonderful new stamp machine in the Bureau of Engraving at Washington. Ten of these machines can print, gum and perforate 3,500,000 postage stamps every day.

ordinary banks or who live where savings banks are not within reach.

Necessarily the Postmaster General is one of the busiest members of the Cabinet. The largest army of the civil servants of the government serve under his official jurisdiction. He appoints all the minor Postmasters; makes postal rules for domestic observance; enters into postal agreements with foreign governments; contracts for railway service in mail transportation; supervises the work of the railway postal clerks as well as of the Post-office forces. He is, in short, responsible to the President and the Congress for a department of government service which more intimately concerns the mass of the people than any other. With no branch of government work is the average citizen more familiar than with the diversified operations of the Postoffice department at all points where it serves the popular needs.

9. **The Department of the Interior.**—The Secretary of the Interior is at the head of a Cabinet department which has a unique distinction with respect to the strangely varied interests within its jurisdiction. It is about the only Cabinet department whose title gives no enlightening clue to the character or limit of its official authority. In some respects the Secretary of the Interior seems to have the whole territory of the United States for his province, while some of the subdivisions of his department seem to be as widely separated, one from another, as are any two of the Cabinet departments proper.

This distinction can be better understood when the names of various important officials who own the Secretary of the Interior as their chief are enumerated as follows: Commissioner of the Land Office, Commissioner of Pensions, Commissioner of Education, Com-

missioner of Indian Affairs, Commissioner of Patents, Director of the Geological Survey, Director of the Reclamation Service, Director of the Bureau of Mines and Director of the National Park Service.

The department was created in 1849, immediately following our war with Mexico. Its original mission was to assume supervision of the hundreds of thousands of square miles of largely uninhabited land we acquired from Mexico by the peace treaty, and to manage their sale and distribution. All this was the special duty of the Land office of the department. Later it seems to have been the plan of Congress to shift to the Interior department all new administrative responsibilities not directly related to the existing departments; and for many years it was treated as a sort of catch-all department to take care of promiscuous matters not otherwise provided for. Not long ago a Secretary of the Interior, protesting against this policy, went so far as to declare in an official report that the department should be dissolved and its duties apportioned among the departments to which they more properly belong; that the Land office should be incorporated with the Department of Agriculture, the Patent office with the Department of Commerce and the Pension office with the War and Navy department.

10. Some of Its Powers.—In the past the Interior department has justified its existence, notably by its agency in the distribution of perhaps a billion acres of land among American settlers for railroad and other purposes. Much of this task has been performed in local Federal Land offices, some of which still operate in States where considerable areas of unused public land remain.

Of late years the department has rendered a highly valuable service in executing the various laws enacted

by Congress to reclaim and make productive vast stretches of waste land in the far West. In the general land administration of the department the Geological Survey has played an effective part.

Not the least of the duties devolving upon the department is the care of our Indian wards. The Commissioner of Indian Affairs is the real white chief of the numerous reservations to which our surviving Indian tribes are allotted, and through him and his official superior, the Secretary of the Interior, the government exercises constant care over their interests.

The Pension Bureau and the Patent Office have large responsibilities. The former has discharged, and is still discharging a weighty obligation, in attending to the payment of Civil War pensioners, whose claims have exceeded \$160,000,000 in a single year, and of the similar claims of veterans of the Spanish-American War and the small remnant of pensioners of the Mexican War. The Patent office has control of the issue and record of

all patents on inventions and the copyrights of books and other publications.

11. The Department of Agriculture.—Comparatively few people fitly appreciate the importance and value of the services rendered by the Cabinet department next in the chronological order—the Department of Agriculture. Of the younger departments it is pre-emi-



PACKING SEEDS BY MACHINES

This is how Uncle Sam puts up his packages of vegetable and flower seeds for free distribution. Each girl feeds empty packets to the machines, which discharges full packets into the basket.

ment as a servant of the people and a protector of their vital interests. The World War aroused an anxious interest throughout the country in our farm productiveness and the sufficiency of our food supply. One effect of this deep popular concern was to make the country better acquainted with the modest but vigilant and enterprising labors of the Agriculture department. It is through this branch of his government that Uncle Sam displays his solicitous interest in farm production, the source of our food supply, and exerts his power to encourage the toil and enlarge the output of our millions of husbandmen.

Occasionally the public reads of the official crop reports and estimates of the department. These are of immense aid in enlightening grain dealers and speculators and in steadying the market, but, although they are the work of an elaborate statistical organization, they constitute only one of many items in the useful service of the department. It directs the observations of the Weather Bureau, based on daily reports from many far separated stations. It has charge, through its Bureau of Animal Industry, of the official inspections of meat products, including exports and imports. It conducts, through its Bureau of Plant Industry, scientific investigations which are exceedingly helpful in the process of cultivation. It has general charge of our national forests and of all the official machinery of forest conservation. Through the agency of its Bureau of Chemistry it furnishes the farming interests with valuable information regarding the use of fertilizers, and of the many labor-saving devices now at the farmer's command. It renders a valuable public service by the administration of our food laws, particularly with a view to insuring the purity of food and drugs.

The educational work of this department and its various bureaus can hardly be overrated. This was illus-



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THE WAR AGAINST INSECT PESTS

An expert of the Bureau of Entomology, Department of Agriculture, studying injurious insects under the microscope. This is a step toward devising methods for exterminating them.

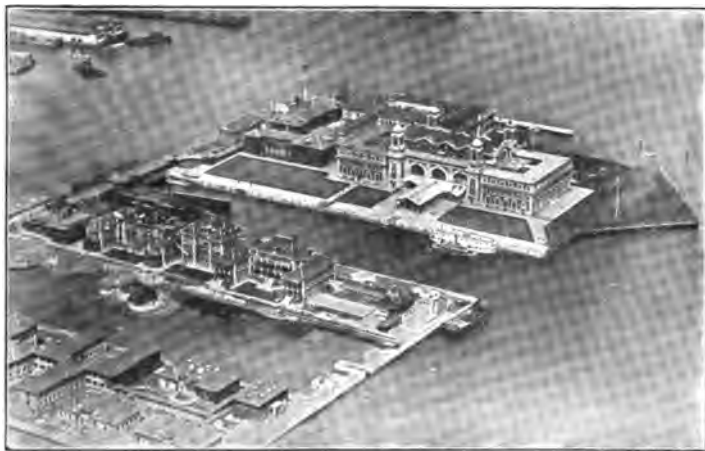
trated aptly a few years ago when its Biological Survey published, after a long expert investigation, an exhaustive review of the relations of wild-bird life to agriculture. This showed how the farmer has profited from the insect-devouring habits of many birds formerly rated as his enemies, and it counseled the vigilant protection of our feathered friends. During the World War the Department of Agriculture was a potent factor in the wonderful

development of our food-power. Incidentally, it cooperated with free exhibits in our leading State Fairs, and this branch of its service it has since continued.

12. The Department of Commerce.—The Department of Commerce bears a relation to the country's business and industry similar to that of the Department of Agriculture to farm production. Its official mission is to promote by every available method the commercial, manufacturing, maritime, fishing, mining and transportation interests of the United States. For that purpose it is armed with official power over our merchant marine and for the enforcement of our navigation laws; with authority over our steamboat services, our fish hatcheries and the fishing industry in general; with responsibility

for the construction and maintenance of lighthouses and the regulation of lightship and buoy safeguards, and the like. These and other related duties covering shipping, navigation and maritime commerce in general are intrusted to suitable bureaus.

13. The Department of Labor.—The youngest of the independent departments is that of Labor. It is the official agency through which the government serves



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WHERE IMMIGRANTS COME

An airplane view of Ellis Island, where armies of incoming foreigners are landed and inspected each year.

the general class of manual workers. Its usefulness has been seen in the collection of elaborate statistics relating to the occupations, wages, and hours of labor of American workers, and the compilation of State laws relating to compensation for injuries in hazardous employments. Of late it has revealed an official interest in labor controversies and strikes undertaken on a national scale of magnitude. This was especially noted in the fall of

1919, when the Secretary of Labor figured as a mediator of the threatening differences between some four hundred thousand bituminous coal miners and their employers.

The Department of Labor has the smallest official staff of the several Cabinet departments. It includes bureaus maintained for the special protection of women and children in industrial occupations. Another bureau administers the laws whereby foreigners who come to this country are naturalized, or converted into American citizens. The bureau in charge of this work also gives its official supervision and aid to a movement which of late years, and especially since the World War, has engaged the active interest of many citizens—the Americanization movement.

Among the most important duties intrusted to the Labor department is that of executing the immigration laws. Special reference to these closely related questions of immigration and Americanization is desirable.

14. Our Immigration Problem.—The regulation of immigration is still an open question, and it is one that has produced much difference of opinion. From time to time Congress has passed a number of laws for keeping certain classes of foreigners outside of the country. One of the first of these laws was enacted in 1882, and it barred from the United States Chinese laborers, and also paupers, criminals and insane persons. Three years later another law was adopted, known as the Alien Contract Labor law, which forbade foreigners to enter our ports whose services had been contracted for in advance by American producers. Other immigration laws prohibited the coming of persons suffering from various kinds of disease, of anarchists (or persons who are opposed to all government) and of persons who, though

not classed as paupers, were likely to become a public charge. One of these laws was aimed at Japanese laborers. In order to make this legislation more effective, it was provided that all immigrants who, on arriving at our ports, could not prove that they were entitled to enter under the law, must be returned by the steamship companies bringing them here.

A radical change in our immigration system was made in 1917, when Congress passed a law denying admission to our ports to new-comers who could not read the English language or the language of their own country. Under this statute the so-called "illiterate" aliens are barred. This legislation provoked a storm of opposition. Three Presidents had vetoed similar bills, and Congress had been unable to override the vetoes by a two-thirds vote. The fourth bill, though disapproved by President Wilson, was repassed over his veto and thus became a law in 1917.

In 1921 an immigration law was passed which limited the numbers arriving from any foreign country at American ports in any given year to three per cent of the total number of persons from such country who were shown to be already here by the census returns of 1910.

15. **Americanization.**—During the World War the presence of many undesirable aliens, or unnaturalized



Brown Bros.

TESTING AN IMMIGRANT

Here a government official is examining a new arrival from Europe to determine his mental soundness. The test is made with blocks. Seated at the right of the official is an interpreter.

foreigners, was revealed throughout the country. A large proportion of them gave the government a good deal of trouble, owing to their lack of sympathy with the American cause or their actual hostility toward it. It was seen everywhere that these elements had made little or no headway in acquiring what we may call the American spirit. A fertile field was thus opened for the sowing of the seeds of good American doctrine.

The Department of Labor is the official center of a nation-wide movement for preparing recently arrived foreigners, or aliens, as they are generally called, for the duties of citizenship. In this line of service it acts in co-operation with school authorities and civic associations throughout the country. The object of the undertaking has been to reach these foreigners, to teach them what American democracy means and to persuade them that their best interests as workers and as future citizens would be served by their honest allegiance to the flag and to all that it stands for. These movements have been encouraged by the Federal and State governments; but they chiefly depend for success upon the energy and civic spirit of local communities. Americanization societies are common in the larger cities.

As an educational undertaking the whole enterprise is bound to yield good results when properly directed and



Brown Bros.

THE MAKING OF AMERICANS

An Americanization class in a New York city night school. Teaching foreigners how to apply for citizenship papers and to swear allegiance to the United States.

zealously supported. The Americanization problem has been simplified by the new restrictions on immigration.

INDEPENDENT DEPARTMENTS

16. The Interstate Commerce Commission.—Washington is the seat of several Federal commissions, and among the most conspicuous of these are the Interstate Commerce commission, the Railroad Labor Board, the Federal Trade commission, the United States Shipping Board and the United States Tariff commission.

The Interstate Commerce commission was created in 1887, but its authority has since been strengthened and broadened by several different acts of Congress. All of these measures related to railroad regulation, and each of them was intended to delegate to the commission fresh powers in that direction. By virtue of its constitutional power over interstate commerce, Congress can prescribe the conditions under which the railroads that cross State boundaries shall serve the public, and this power, as the courts have decided, includes the right to fix the rates for transportation of passengers and freight, provided that such rates be reasonable. As it would not be practicable for Congress to regulate directly the operations of a vast and complicated network of railroads, it delegated the power to the Interstate Commerce commission.

By virtue of this grant, the authority of the commission applies to all railroads (or common carriers) engaged in interstate transportation; to express and sleeping-car companies; to the owners of pipe lines transmitting oil or other commodities, excepting water and natural or artificial gas; and to telegraph, telephone and cable companies. Practically every mechanical detail of railroad operation is within the regulative control of the commission. It has at its command verified reports and

schedules of all railroad changes, and it is empowered not only to fix or limit rates, but to compel the adoption by the railroads of such safety appliances as may be essential for the public protection.

The most important of all the acts of Congress enlarging the power of the Interstate Commerce commission was the Transportation act adopted in February, 1920. By this measure the railroads of the country, which had passed under the control of the government for war purposes by Presidential proclamation in December, 1917, were restored to their owners. By the terms of the act the government agreed to lend its aid to strengthen and encourage the railroad systems, which in many instances were in poor financial condition and in pressing need of new equipments after the hard usage of war service. With this end in view, it was provided in the law that the Interstate Commerce commission should ascertain and publish the total value of the property of the railroads, and provide new freight and passenger rates which would yield the roads five and one-half per cent income on the value of their property, as thus determined. To this railroad income the commission was authorized to allow an addition of one-half of one per cent in revenue for necessary improvements and equipments. At the same time the membership of the commission was increased from nine to twelve.

17. The Railroad Labor Board.—The Transportation act further provided for the appointment of a Railroad Labor Board for the hearing and settlement of disputes between the railroad companies and their employes. The object of Congress in creating this agency was to lessen, and, if possible, prevent, the danger of railroad strikes, by the help of an official tribunal to which the railroads or their men could appeal when differences

should arise between them. The board is composed of nine members, all of them appointed by the President with the consent of the Senate. They must be so selected that three of them represent the railroad workers, three the railroad companies, and the remaining three the public interests.

Soon after the appointment of its original members, the Railroad Labor Board was called upon to decide a question of the first magnitude, namely, the claim of the great army of railroad workers for increased wages. After prolonged consideration, the Board announced its awards, whereby the men were allowed wage increases amounting to approximately \$600,000,000 in the aggregate. It was then necessary for the Interstate Commerce commission to act upon a petition of the railroad companies for increased freight and passenger rates, to meet not only their need of improvements, but also their added operating expenses due to the wage awards of the Railway Labor Board. On July 31, 1920, the Board rendered its decision granting the roads permission to advance their rates by a total estimated at \$1,100,000,000. Owing to the business and industrial depression the Labor board in the summer of 1921 authorized the railroads to make a twelve per cent wage reduction. The sequel was the threat of a general railroad strike in the following October, but through the agency of the Labor Board it was averted.

18. Other Miscellaneous Departments.—The Civil Service commission performs an exceedingly useful function in framing and enforcing the rules for the merit system of appointments to office and in otherwise co-operating with the President for its faithful administration. The commission is held responsible for conducting competitive examinations to test the fitness of appli-

cants for the classified service, for listing those with the best ratings, for a fair apportionment of appointments in the various departments among the States and for the protection of officials in the classified service from political oppression from any source.

The Federal Trade commission, created in 1914, is armed with large powers of inspection and supervision with regard to business corporations. It keeps elaborate records of corporate activities and one of its most valuable missions is the detecting of corporate abuses, such as unfair competition, restraint of trade and other violations of the various Federal statutes for the regulation of corporations, trusts and monopolies.

The United States Shipping Board made its advent seven months before our entrance into the World War, through an act of Congress "for the purpose of encouraging and developing a naval auxiliary and a naval reserve, and a merchant marine to meet the requirements of the commerce of the United States with its territories and possession and with foreign countries." With this end in view, the Shipping Board was clothed with large discretionary powers for the construction and purchase of equipment and the lease or charter of vessels suitable for naval auxiliaries in time of war; and this was a fortunate anticipation of the necessities that later confronted it. At the very inception of its task \$50,000,000 was placed at the command of the Shipping Board by Congress. During the war it played a notable part in the mobilization of the country's maritime resources.

The task imposed upon the Tariff commission, created in 1916, is largely one of investigation. Owing to constitutional limitations, its power can go no further than the preparation of reports and recommendations for submission to Congress. The enactment of tariff laws is

a right Congress cannot legally delegate to any outside body. It can, if it chooses, receive the suggestions of the tariff commission covering revised rates of import duties and proceed to embody them in law. But its own discretion in the matter is absolute, and the commission acts, therefore, solely in an advisory capacity. In this respect, however, it serves a useful purpose through its exhaustive inquiries into the tariff systems of other countries and the legitimate needs of our own producers in the matter of protection from foreign competition.

The commission has a staff of tariff experts at its disposal, and their data and advice are of great service to the Ways and Means committee of the House and the Finance committee of the Senate in the drafting or amending of tariff bills. After the World War the tariff question became more complicated owing to the disturbed rates of exchange, which were in turn due to the enormous issues of paper money and scarcity of gold in Europe.

QUESTION GUIDE TO CHAPTER VII

1. By what body was the Cabinet originally established? Of how many members did it consist? How many Federal departments were represented in the Cabinet? Give official title of each officer.

2. Name the first in rank of the Cabinet members, and what distinguishes him as such. Name some of the famous men who first held this post. What precedent has been established by the Presidents-elect in the tendering of this honor? Where does the Secretary of State sit at Cabinet meetings, and what days of the week are such meetings held? Of what officials is he chief? What assistants has he? Tell something of his executive duties. What are his ceremonial duties? Tell something of the consuls and their importance.

3. What is the standing of the Secretary of the Treasury? Name some of his duties. Of what important body is he chairman?

4. In addition to all other duties imposed upon the office of Secretary of the Treasury, what power is often conferred upon him by Congress? Name some of the Secretary's official subordinates and their special duties. What has added materially to the duties of the Commissioner of Internal Revenue? Tell some of the responsibilities attached to the office of Secretary of Treasury as regards health protection. What other duties has he outside of government finances?

5. To what officials is the duty of collecting the Internal Revenue taxes assigned? What is the duty of the Collectors of Customs and where are they stationed?

6. State the general responsibilities of the War and Navy Secretaries? Why are civilians chosen to fill these offices? Where is the military direction of the army placed? How many officers has the General Staff Corps? Name the other officers whose duties pertain to the army. What high military rank was revived during the World War? Tell something of our military school at West Point? With what power is the Secretary of the Navy invested? What are some of the subdivisions of the department?

7. Of what department is the Attorney General the head? He is charged with what obligation? Of what Federal officials is he the chief? Tell about these officers, and how they are distributed.

8. Tell of the business intrusted to the Postmaster General. What materially increased the expansion of the mail system? In what year was the system of parcel post introduced? What appointments are made by the Postmaster General?

9. Indicate the scope of the duties of the Secretary of Interior. When was this department created, and what was its original mission? Name some of the important bureaus of the Interior department.

10. How has the Interior department rendered notable service? How has this been accomplished? What is the relation of this department to the Indians? Tell something of the Pension Bureau.

11. What is the mission of the Department of Agriculture? Tell how the production of our food supply is encouraged by this department. In what other ways have we been served by the department?

12. What are the duties of the Department of Commerce? It is protective in what respect?

13. The Department of Labor was organized for what special purpose? How is this department helpful to aliens?

14. Tell something about the laws for regulating immigration. What law of this kind was passed over President Wilson's veto?

15. What is the Americanization movement, and what are its general aims?

16. Name some of the most conspicuous Federal commissions. When was the Interstate Commerce commission created, and how has it since been strengthened? What constitutional right is exercised by Congress over the railroads? Why did Congress transfer this power to the commission? What important act of Congress added largely to the commission's authority?

17. What is the Railroad Labor Board, and what was the object of Congress in creating it? What remarkable developments in 1920 and 1921 strikingly illustrated the powers of the Railroad Labor Board and the Interstate Commerce commission?

18. How is the Civil Service commission useful? What are some of its responsibilities? When was the Federal Trade commission created? What is its most important mission? When and why was the United States Shipping Board established? The Tariff commission was created in what year? What is the nature of its functions?

CHAPTER VIII

THE CURRENCY

Elasticity to our circulating medium, and just enough of it to transact the legitimate business of the country and to keep all industries employed, is what is most to be desired.—
PRESIDENT ULYSSES S. GRANT.

1. **Money, Its Origin and Uses.**—One of the most familiar and necessary powers of every civilized nation is that of issuing money for the use of its people. Money is best defined as a medium of exchange. It was first introduced to make trade in commodities more convenient. In ancient days men exchanged their products and property directly for other products and property of which they stood in greater need. It was, of course, difficult to find an even basis of exchange in the case of dissimilar articles, and the whole system was crude and awkward.

As time went on, primitive men advanced a little toward better conditions by agreeing to use some standard commodity like cattle, grain and furs and, still later, tobacco as a medium of exchange. For example, in our country in the early days a trader would exchange a coat for so many pounds of tobacco; and then he would exchange some of his stock of tobacco for an axe or a pair of shoes. Other common articles were similarly used to make trading easier by making values as equal as possible.

But this was only a slight improvement. As civilization progressed gold and silver became the most popular medium of exchange. This kind of money, unlike the paper money of our day, had, and still has, a real (or intrinsic) value of its own. Paper money was the last



Brown Bros.

THE TREASURY BUILDING

The official center of all the government's financial operations.

to make its appearance, and it was a necessary reliance because the supply of gold and silver was not sufficient, and metallic money in large amounts was too heavy and bulky for all the purposes of trade.

Metal money and paper money are now the two kinds everywhere in use in civilized nations. The difference between them is this: The value of paper

money is not actual, or inherent in the thing itself, but is due to the security behind it and especially to the credit of the government which issues it or authorizes it to be issued. But the value of gold money belongs to the coin itself, as determined by its weight and fineness. If a \$10 gold piece should be melted down the metal would be worth very nearly the face value of the coin. In the United States silver coins have an intrinsic, or metal, value that varies according to the market price of silver. But they are always as good as their face, whether silver is cheap or not, because, in addition to the value of the metal, the credit of the government is back of them. The silver in a dollar or fifty-cent coin may be worth less than the face value, but the government issues them for dollars and half dollars and as such they are accepted in the daily transactions of business. Paper money, unlike gold and silver coins, has no real, intrinsic value. It only *represents* value.

2. The Government's Money-Issuing Power.—The United States government issues both kinds of money—metallic and paper. The Constitution (Article I, Section 8) expressly authorizes Congress to coin money and to regulate the value thereof. The issue of paper money is one of the implied powers of the government. It is an attribute of national sovereignty. As this power is not withheld by the Constitution, it is exercised by Congress with the sanction of the Supreme Court. The Federal government also has the right to make its paper money a “legal tender.” This means that the paper money issued by the government itself can be tendered, or offered, and must be accepted, in payment of debts, public or private.

The Constitution (Article I, Section 10) forbids the States to “coin money,” to “emit bills of credit” (paper

money) or to "make anything but gold and silver coin a legal tender for the payment of debts." This denial of power to the States makes reasonable the theory that the Constitution intended that the Federal, or central, government alone should issue legal-tender currency.

The government's paper money is, strictly speaking, only a promise to pay gold, the standard metallic money, on demand. But the government's credit is so good that a United States greenback, a \$10 bill, for example, is considered as valuable as its face equivalent in gold. Greenbacks are, in fact, preferred to gold because they are much easier to carry, especially in large amounts. Why is the greenback, a mere promise to pay, "as good as gold"? Because the government's credit rests upon all the resources of the nation and its people.

When Congress, composed of the elected representatives of the people, orders a new issue of paper money, the wealth of the country is back of the government's promise to pay. When the holder of paper money knows he can obtain gold for it from the Federal Treasury, he has no desire to make the exchange. So our paper money circulates freely everywhere in the country, and you can buy as much with a hundred dollars in authorized paper currency as with a hundred dollars in gold.



Brown Bros.

THE PHILADELPHIA MINT

One of the big workshops in which Uncle Sam turns out his metallic money.

3. Our Currency Issues.—The various kinds of money now in use in the United States may be classified as follows:

Metallic Money	{ Gold Coins Standard Silver Dollars Smaller Silver Coins Nickel and Copper Coins
Government Paper Issues	{ Gold Certificates Silver Certificates United States Notes Treasury Notes of 1890
Bank Currency	{ National Bank Notes Federal Reserve Notes Federal Reserve Bank Notes

4. The Gold and Silver Coin.—Our gold coins weigh 25.8 grains to the dollar. It is necessary, however, to harden them with an alloy, and the alloy makes one-tenth of their weight. The pure gold in the coins is therefore 23.22 grains to the dollar.



WEIGHING COINS

Automatic machines that determine whether every coin is of the correct weight and fineness.

The standard silver dollar weighs 412.5 grains. As one-tenth is alloy its total of pure silver is 371.3 grains. The coinage of silver dollars was discontinued in 1905.

The "subsidiary" or fractional silver coinage is known to us as half dollars, quarters and dimes.

They do not contain as large a ratio of pure silver as the standard dollar. In five dollars made up of halves, quarters and dimes there is between six and seven per cent less of pure silver than in five standard dollars. This fractional silver currency is legal tender for the payment of debts only up to the sum of \$10. Beyond that amount a creditor can demand other money.

The minor coins now issued are the five-cent and one-cent pieces. Though the five-cent piece is known as the "nickel" it contains three parts of copper to one of nickel. The penny is ninety-five per cent copper, with a five per cent alloy of tin and zinc. This "small change" is not legal tender for more than twenty-five cents.

5. Our Paper Currency.—The character of each government issue of paper currency is plainly indicated on its face. Gold and silver certificates are simply issues of paper money representing gold and silver coin held by the Treasury. The lowest denomination for gold certificates is \$10, and the highest, \$10,000. Silver certificates range from the \$1 and \$2 denominations up to \$1,000.

The United States notes are the kind familiarly known as "greenbacks." They are issued in denominations of from \$1 to \$1,000. They were first issued by the government during the Civil War, and were made legal tender for the payment of all debts. A special gold reserve of \$150,000,000 is retained in the Federal Treasury for their redemption. The limit of their issue is something less than \$350,000,000, and the gold reserve, backed by the credit of the government, makes them a perfect circulating medium.

The Treasury notes of 1890 are so called because Congress authorized their issue in that year. This issue has been discontinued by Congress, and the Treasury notes are steadily diminishing in volume by being re-

deemed in silver dollars or gold coin. They, too, are legal tender, and what is left of them circulates in denominations of \$1 to \$1,000.

These are the government issues proper. But a very important part of our currency system, the bank issues, is still to be considered. The bank issues have been a great and necessary addition to the volume of currency, and under recent laws they help to satisfy the needs of the business world in such a manner as to diminish greatly the danger of money scarcity.

6. National Bank Currency.—The system of national banks was established to relieve the enormous financial wants of the government during the Civil War. Under the operation of the National Bank act passed at that time, men with capital were encouraged to organize banks of this class. The main purpose of the law was to provide a convenient agency for increasing currency without adding too much to the large volume of greenbacks in circulation, and also to create a new market for government bonds—the bonds on which the government borrowed money to finance the war.

The device by which this end was gained was an ingenious one. When a national bank was organized with private capital, the directors were authorized to issue currency of their own bank on conditions which made such currency as safe as the government's own. The system worked in this way: A bank could buy \$100,000 of interest-bearing government bonds. The bank could place these bonds in the United States Treasury as security for issues of bank notes in an amount somewhat less than the total of the bonds deposited, let us say, \$90,000. Thereupon the government would engrave \$90,000 of new bank notes bearing the name of the bank applying for them. These notes would be forwarded to the bank

and be signed by its president and cashier. They would next be passed out by the bank in the course of its business, in the shape of loans to customers, or otherwise, and thus they would become a part of the general circulation of currency.

7. The Advantages of the System.—The government, the banks and the public were all gainers from this system. Many national banks were organized, and all of them were glad to use their currency-issuing privilege.

In the first place, the government had a new and a great market in which to sell its bonds. This advantage was a valuable one in the years following the Civil War, because the government could rely upon the national banks to aid it in refunding some of its big war loans. By "refunding" is meant replacing a bond issue with another one bearing a smaller rate of interest. When it was hard pressed for money during the war, the government was obliged to offer high rates of interest—seven per cent, for example—to sell its bonds. But while these bonds might run for a long period, say for twenty or thirty years, the government reserved the right to redeem them at an earlier date—say, in five years. When peace was restored and the country gradually recovered from the effects of the war, the government was able to sell new issues of bonds, say, at five per cent interest, and to take up the seven per cent bonds with the proceeds, thus saving two per cent interest. This refunding operation went on extensively for the twenty years and more following the civil conflict. Owing to the eager demand of the national banks for government bonds to serve as a basis for bank currency, they were willing to take the new bonds at diminished rates of interest that finally fell as low as two per cent. Thus the government, by refunding, was

permitted to substitute for many of the high-interest war bonds the new, low-interest bonds bought by the banks.

In the second place, while the government gained from the national bank system, by finding a constant market for its bonds and by getting the benefit of lower interest rates, the banks also were benefited by their currency-issuing privilege. Supposing that a bank purchased \$100,000 worth of government bonds paying four per cent interest. On that investment its income was \$4,000 a year. But by depositing the bonds with the Treasury the bank could obtain, say, \$90,000 in new bank currency on that security. This money it could lend to its customers and its profits from this source would be gained in addition to the \$4,000 of interest from the bonds. It was therefore an advantage to the national banks to invest in government bonds, and to use them as security for new currency issues, to such an extent as their banking business, and particularly the needs of their borrowing customers, warranted.

In the third place, the public was benefited, because under the national banking system the country was supplied with additional currency for use in business and manufacture and in the payment of labor. The national bank notes had behind them not only the capital and credit of the banks of issue, but also the credit of the government itself, in the shape of the bonds sold to the banks and deposited by the banks in the United States Treasury for security.

8. Why a New System was Needed.—As the years went on, however, the total of government bonds—that is to say, of the old Civil War debt—steadily diminished. The time for which many of them were issued expired and their holders were paid off. In consequence of this

reduction of the war debt, the bonds that could be procured by the banks as a basis for their currency gradually lessened in amount. Meanwhile the business of the country and its currency needs rapidly increased.

From time to time Congress enacted laws for enlarging the supply of government money; but this process alone was not sufficient to meet the demands for money in special emergencies. Congress, moreover, had to take proper precautions against "inflating" the currency—that is, against increasing the volume of greenbacks to a point where the government's credit would be strained. Under the new conditions, with the volume of government bonds available for bank purchase materially cut down, serious defects became apparent in the old system of national bank currency. Every bank's supply of new bills of its own issue was, of course, limited by the amount of its government bonds deposited for security. It had no other way of enlarging its currency to satisfy the unusual needs of local trade and industry.

It was then recognized that bank currency was not elastic enough. It was too rigid; it could not be expanded to keep pace with the demands of business, manufacture and agriculture at exceptional times. The result was sometimes disastrous. In periods of financial stringency, or money shortage, the banks were unable to ease the situation and violent panics took place. These panics were usually begun by a rush of frightened bank depositors for their money. When the bank's funds were exhausted in this way, it had to close its doors. One suspension of this kind, in panicky times, frequently led to others. Thus money became "tight," and business suffered. After much damaging experience of this kind, financial experts and leaders in Congress agreed that the weak spot in the national banking system was the re-

quirement that its currency issues be limited to the basis of one kind of security—government bonds. After a long investigation a remedy was found, and it took the form of the Federal Reserve act passed by Congress in 1913.

THE NEW CURRENCY ERA

9. The Federal Reserve.—Under the new system the old national bank issues, secured by government bonds, were left in circulation, but another and abundant kind of security for bank currency was authorized by the law. It was commercial paper—that is to say, the promissory notes of business and manufacturing concerns on which the national banks make most of their loans. In the vaults of every important national bank is commercial paper of this kind valued at millions of dollars. It represents the borrowings of business men and industrial corporations to finance their operations, to enlarge their plants and to provide funds for fresh purchases. Every promissory note of this kind discounted (as the process of advancing money is called) by the banks is backed by the property and credit of the business man, firm or corporation that applies for the loan. Each note runs for a given time, as, for example, three months or six months, after which it is paid or renewed. The proceeds of this commercial paper when it is discounted, or cashed, at the banks, are used, to a large extent, in industry. The paper, therefore, represents production; and the quantity of such paper held by the banks of a community, at a given time, is a measure of the community's business and industrial needs.

10. The New Currency Basis.—The advocates and framers of the Federal Reserve act considered that it would be a wise step to permit the national banks to issue currency on the basis of the commercial paper

held by them. The idea was not a new one. It had been put in force in European countries and in Canada with good results. Bank currency of this kind was called "asset currency," because it was issued on the security of the assets, or resources, of those concerns that had borrowed on their promissory notes, and also on the assets of the banks issuing the currency. The principle of "asset currency" is indicated by a simple illustration. A manufacturing company doing a large business and having first-class credit discounts a note for \$100,000. The note is secured by the company's property and production. It therefore represents solid value. Why not, then, use it as security for bank currency issues, instead of leaving it idle and unproductive? In Europe and Canada this question was answered by authorizing the issue of such bank currency.

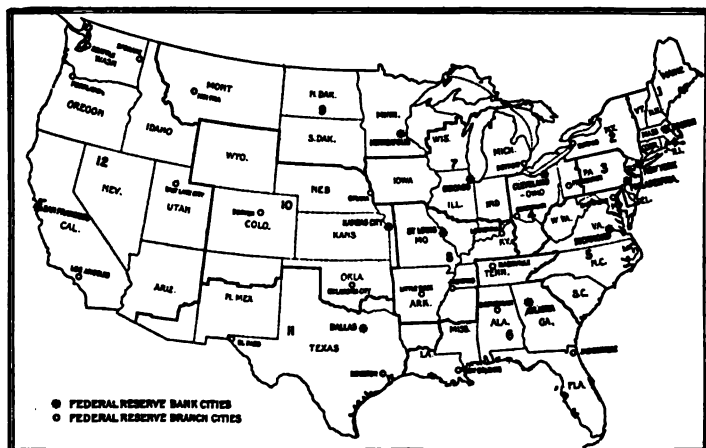
The banking currency now known as the Federal Reserve issues is simply a variation of the old national bank currency. The old currency system enabled the banks to use government bonds as a basis of circulation, while the Federal Reserve permits the use of commercial paper in place of the bonds.

The new system is under the supervision and control of one big central organization, which has the co-operation of a number of minor organizations.

11. Features of the New Plan.—The central organization is known as the Federal Reserve Board. The Secretary of the Treasury and the Comptroller of the Currency are *ex officio* (by virtue of their offices) members of the Board. There are five other members, nominated by the President and confirmed by the Senate. The chief executive officer of the Board is designated as its Governor when he is appointed by the President, and the next in rank is similarly designated as Vice

Governor. These two officers correspond in rank and authority with the President and Vice President of any banking organization.

Besides creating the Federal Reserve Board, the act of 1913 divided the country into twelve Federal Reserve districts, in each of which the most important city, such as Boston, New York, Philadelphia, Chicago or San



THE BANKING DISTRICTS

This map shows the twelve Federal Reserve districts as they were established by the act of 1913. The heavy lines mark the boundaries of the districts.

Francisco, was to be the Federal Reserve city and the seat of the Federal Reserve bank for the district. Each national bank was required to become a member of the Federal Reserve bank of the district, and it was further provided that State banks and trust companies complying with certain requirements might also become members. Each of the member banks was obliged to subscribe to the capital stock of the Federal Reserve bank of its

district an amount equal to six per cent of its own paid-up capital stock and surplus.

It is unnecessary here to describe the mechanism of the system further than to say that each Federal Reserve bank does not do business directly with the public, but is rather a bank for the other banks or bankers of the district; and that one of its useful functions is to be a source of supply for the currency known as Federal Reserve notes. The holders of these can readily identify them by their inscriptions.

The government is represented in the twelve Federal Reserve banks. Each of these twelve banks has nine Directors—six chosen by the member banks (three from the banks themselves and three from outside commercial or industrial, including agricultural, interests), and the other three named by the Federal Reserve Board at Washington. The last named may be called the government's representatives.

12. How the System Works.—The operation of the system can be briefly described as follows: The issue of Federal Reserve currency is regulated by the Federal Reserve banks. But if a member bank in any city of the country desires additional currency it can forward commercial paper of the required amount to the Federal Reserve bank of its district and receive the equivalent in money. This process is called "rediscounting." It enables the local banks to keep supplied with funds up to the limit of their needs, by rediscounting their commercial paper. The Federal Reserve bank in each case accepts from its member banks the promissory notes on which they have made loans, and transmits to them currency in exchange for the paper. When any of this commercial paper is paid by the business man, firm or corporation whose name is signed to it, it must be

replaced in the Federal Reserve bank by other commercial paper or "taken up" at the Federal Reserve bank with currency. When the member bank has more currency on hand than it can profitably use, it redeems with currency a portion of its commercial paper deposited with the Federal Reserve bank. It has every motive to do this, inasmuch as it has to pay interest on all its rediscounted paper in the hands of the Federal Reserve bank. This interest rate is low in normal times, but it is sometimes raised in order to prevent inflation of the currency.

Thus the volume of currency at the command of each bank can be increased or diminished at will according to its needs and the needs of its patrons. Its currency rises and falls in volume, like the waters of a reservoir, in response to the public requirements. The chief merit of the system is that it can be regulated by the increase or decline of business activity and of industrial and agricultural production. It is generally believed that the danger of sudden money scarcity such as occasionally troubled the country under the old banking system has been greatly lessened by the Federal Reserve law.

13. How Federal Reserve Money is Made Safe.—Like the old national bank currency, the Federal Reserve issues of money have behind them the credit of the government. Indeed, they are fortified by a five-fold security. First there is the credit of the person, firm or corporation discounting the commercial paper at the local member bank. Then there is the credit of the local member banks supported by their stock holdings in the Federal Reserve bank. Next comes the credit of the Federal Reserve bank, representing many member banks and their resources. In addition to all this, the Federal Reserve act requires that all bank currency issued must

be further secured by a gold reserve equal to forty per cent of its value. Finally, Federal Reserve currency is an obligation of the United States government redeemable in gold on demand at the Federal Treasury. This last named security is strengthened by the fact that the whole system is operated under the direction of a Federal Reserve Board in which two officials directly represent the United States Treasury department and the others are appointed by the President.

Neither the old national bank currency nor the Federal currency is legal tender. But that does not detract from its value as money, because it can be exchanged for legal-tender money at the national banks or at the Treasury, and it freely circulates for every purpose, including the payment of debts.

14. A Great Addition to the Currency.—The Federal Reserve issues now constitute by far the largest volume of currency in circulation. They reached an enormous volume during the World War, and when the armistice was signed in November, 1918, the total of this currency in circulation exceeded \$2,600,000,000 as compared with \$1,200,000,000 in gold and



A FEDERAL RESERVE STOREHOUSE

A big structural annex of the Federal Reserve bank, New York City. It is located at Maiden Lane and Gold Street. In this great fireproof building the files, records, stationery and supplies of the bank are kept. In 1921 this bank, the official center of the greatest of the Federal Reserve districts, had about 3,000 employees.

silver coin and certificates and about the same amount in all other kinds of currency.

The old national bank currency is being slowly retired from circulation under the provisions of the Federal Reserve act; but it still runs into the hundreds of millions of dollars, and is therefore an important part of the circulating medium. Most of it is secured by two-percent government bonds. National banks that retire their bond-secured currency can replace them with the *Federal Reserve Bank Notes* mentioned in the table of currency issues in this chapter. This currency is distinct from the far more plentiful Federal Reserve proper, because it is based solely on government bonds. It is a comparatively small currency item, because it is intended only to take the place of the old national bank notes

as they are slowly withdrawn from circulation.

15. The Coining of Money.—The departments for making the money issued by the government or under its authority are important branches of the public service. The United States mints, where our metal money is coined, are located in Philadelphia, New Orleans, San Francisco, Denver and Carson City. Each of the mints is in charge of a superintendent, but all of them are under the official supervision of the



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VIGILANCE IN THE MINT

Examining coins for possible defects in stamping and in milling the edges. The belt carries the coins so that both sides are, in turn, exposed to scrutiny. The work requires the keenest eyesight. The hopper pictured above holds \$20,000 in \$2.50 gold coins.

Director of the Mint, a high official of the Treasury department. When gold is brought to one of the mints to be coined, the metal is first subjected to a careful process, called assaying, to ascertain its degree of purity. It is next put through a melting operation by which all foreign material is removed. The alloy is then added. Without the alloy it would be too soft to stand the wear of money. The annealing process comes next, by which the gold is run between rollers several times until it becomes a strip of gold of the right thickness for the proposed coin. This strip, or flat bar, is then put through a huge stamping machine which rapidly cuts out of it the coins of gold as a cookie-cutter cuts out cookies. Finally the inscriptions are stamped on both sides of the coins by a large machine which presses them between engraved dies. The same mechanical method is employed in the making of silver, nickel and copper coins.



Brown Bros.

BANK NOTES IN THE RAW

These women employees of the Bureau of Engraving are engaged in trimming by machinery the edges of newly engraved bank bills.

16. The Engraving of Money.—All paper money is manufactured for the government or for the Federal Reserve banks by the Bureau of Engraving and Printing at Washington, the chief of which is another official of the Treasury department. The mechanical principle applied in the printing of money resembles that of the small printing press, but before the printing stage is

reached the preparation of the engraved plates is a long and extremely delicate task, performed by the most expert engravers. Great



BROWN BROS.

NUMBERING THE NOTES

A scene in what is known as the surface division of the Bureau of Engraving, where every new bank bill is numbered by machinery.

care is taken to guard the plates from theft and to keep the impressions from being duplicated. No one but the workers is admitted to the engraving rooms, and each engraver is allowed to produce only a part of a plate. When each engraved plate is completed, duplicates are made from it by a mechanical process, and it is with the duplicate plates that the money is printed.

The paper used is of the toughest linen, and the method of manufacture is a well kept secret. Two features of each government bill that make it particularly difficult to counterfeit are the finely engraved portraits and the fine lines running through the bills. These lines are made upon the original plates by a geometric machine which turns out the lines in endless varieties of combinations.

QUESTION GUIDE TO CHAPTER VIII

1. How would you define money? How was trade conducted in the ancient days? What rude kind of barter was afterwards adopted? What precious metals were finally used for money? Why was paper money introduced? What is the difference between paper money and metal money? What gives paper money its value? Why is a gold coin worth its face value? What determines the real value

of silver coins in this country? Why are such coins worth their face when silver is cheap? Has paper currency any intrinsic value? If not, why is it prized?

2. By what authority does the government coin money? Has it also the right to issue paper money, and why? What is legal tender? How would you describe the government's paper money? Why is the government's paper money, a promise to pay, as good as gold?

3. Name the different classes of money now in use in the United States.

4. How many grains of pure gold to the dollar do our gold coins contain? What part of the gold coin is alloy? Why is the alloy necessary? How much pure silver does the silver dollar contain? Is the proportion of silver as large in the half dollars, quarters and dimes? What metals are used in the coining of the nickels and pennies?

5. What are gold and silver certificates? What are their lowest and highest denominations? How are the United States notes familiarly known? When were they first issued by the government? What is the present limit of their circulation? How and why are the Treasury notes of 1890 diminishing in volume?

6. What were the two purposes of the National Banking act passed during the Civil War? What method did the new national banks follow when they wished to obtain fresh currency?

7. What were the advantages of the new system? How was the government benefited through the aid of the banks? How was the public at large benefited by the new system?

8. When the government bonds were gradually paid off and refunded, what was the effect on the banks? How was their currency-issuing power hampered? What defect then appeared in the national bank currency? Why was it not considered elastic enough? What famous law was passed by Congress to provide a remedy?

9. What was the new basis of security for bank currency? Describe "commercial paper." For what purposes is money borrowed from the banks on commercial paper, or promissory notes? What is the security back of the borrowers? What does the commercial paper held by the banks of a community largely represent?

10. Was the United States the first country to put in practice the idea of issuing bank currency secured by commercial paper? What was such currency called in Europe and Canada, and why? Give an illustration of the principle of "asset currency." How does

the new Federal Reserve currency differ from the old national bank currency?

11. What is the central organization in control of the new system called? How many members has the Federal Reserve Board, and what are its chief officers? What high officers of the government are represented on the board? What is the number of the Federal Reserve districts? What is the head bank of each district called? What was each national bank in each Federal Reserve district required to do? Were other banks permitted to become members? What must each bank contribute to the Federal Reserve bank when it becomes a member? How many directors has each Federal Reserve bank, and how are they chosen?

12. How does the system of Federal Reserve currency work? What is the process called by which the member banks obtain money on their commercial paper? Why is the new system considered elastic? To what may the rise and fall in the volume of Federal Reserve currency be compared? What is the chief merit of the system?

13. In what respect do the Federal Reserve issues resemble the old national bank currency? Name the various securities back of the new currency.

14. What kind of money now has the largest circulation? What process is the old national bank currency now undergoing? What is the character of the issue called "Federal Reserve Bank Notes"?

15. Where is our gold and silver money coined? Briefly describe the process.

16. Where is our paper money printed? Tell something of the method by which it is engraved and of the material used?

CHAPTER IX

OUR GOVERNMENT IN WAR

The world must be made safe for democracy. Its peace must be planted upon the tested foundations of political liberty.—WOODROW WILSON.

1. **Transforming a Democracy.**—An instructive line of inquiry in civics study relates to the operations of our government after it entered the World War. The story of its military part in the war is a separate branch of study. Yet it is desirable for the civics student to give some special attention to the magical transformation of the Federal government from a peace to a war basis after the signal was given by Congress and the President in early April, 1917.

It was found that our democratic Constitution put no obstacle in the way of the effective prosecution of our part in the war with Germany and Austria. Experience proved that we could change the whole character of the government over night, as it were, without violating the principles of the Constitution. It was a very radical change, but it was a necessary one, to enable the country to marshal all its powers with unity and without unnecessary delay. To accomplish this result, both State and individual rights had to be subordinated for the time being to the war powers of the government. This was done with astonishing results, and the success of the effort showed us anew that the Constitution was a

wisely planned charter, and that it is wonderfully elastic in grave emergencies. It is worth while to review some of the main features of this process.

2. Big Results Measured in Figures.—In his report to Congress in December, 1919, the Secretary of the Treasury stated that the cost of the war to the United States from our entrance in April, 1917, to June 30, 1919, was about \$30,000,000,000 more than the ordinary expenditures of government would have been in time of peace. This staggering sum does not include our national loans to our European allies, amounting to more than \$9,000,000,000. Within the same period, according to the Secretary of War, our army was increased from about 200,000 (regular soldiers and the National Guards of the States) to more than 3,700,000, of whom more than 2,000,000 were transported to France. These figures measure two of the main objects gained. But while this vital task of raising an army and training, equipping, transporting and financing it, was going on, the whole machinery of government was in active motion, developing the country's home resources.

3. The War Power Granted by the Constitution.—To acquire a clear idea of how the government worked in the war crisis, we must remember that the Constitution gave Congress the power to "declare war" and "to raise and support armies," and "to provide and maintain a navy." It also made the President "commander-in-chief of the army and the navy of the United States, and of the militia of the several States when called into the actual service of the United States." When we add to these the power of Congress to lay and collect taxes to "provide for the common defense," it will be seen that the Constitution gave the legislative branch and the President, as commander-in-chief, practically unlimited



HARRIS & EWING.

A HISTORIC SCENE

President Wilson delivering his famous war message before both branches of Congress, in joint session in the House of Representatives, on April 2, 1917.

authority to wage war, with full discretion as to the ways and means of waging it.

It was by virtue of this power that Congress passed the various Conscription acts soon after the beginning of our war with Germany. This was but an exercise of the constitutional right of Congress to "raise and support armies." In a word, the Constitution intended that Congress should be the judge of methods in the execution of this great power.

4. Delegating War Powers to the Executive.—While all the necessary power was lodged in the government by the Constitution, it was evident that a great concentration of that power was necessary. It would be possible, of course, for Congress, as a body or through its committees, to direct the war in co-operation with the commander-in-chief and the officers subject to his orders. But Congress itself perceived quickly that it would be very unwise for a legislative body holding many different opinions to exercise, in the ordinary legislative way, all the war powers confided to it by the Constitution. Quickness of action and absolute unity of purpose and policy are plain necessities in warfare. Realizing all this, Congress followed the only sensible course and delegated to the President, the constitutional head of the army, much of the authority which the Constitution conferred upon it for such an emergency. By a series of laws it empowered the President to perform many acts which he would not think of performing, or would have no right to perform, in time of peace. To illustrate this point, the President was authorized to assume and actually did assume control of all the steam railroads in the United States.

In consequence of this temporary transfer of authority by Congress, the President could undoubtedly be called

with truth the most powerful executive on earth during the war period. He was enabled to bring about, by simple orders which could be written in less than an hour, changes in the machinery of government and even in our whole social system which affected every citizen of the United States, and which Congress, if it normally had the right to make them, would take a long time to prepare, to consider and to adopt. If Congress, for example, had undertaken to assume, by statute, the management and control of the railroads in time of peace, the measure would have undergone many weary months of discussion. As it was, the President was able to accomplish the same result by a single executive order. In war time the government had to act with the greatest possible rapidity, and to this end it was indispensable to lodge, to a great extent, the power of action in a single individual.

5. The Financial Acts.—The first acts passed by Congress were financial. This was natural, because it was easier for us to make our money power count quickly on the side of the allies than it was to mobilize our man power. Eight days after our declaration of war with Germany the House of Representatives passed a bill authorizing a national loan of \$7,000,000,000, the largest ever voted by any legislative body in the world's history. From that time forward appropriations calling for hundreds of millions or billions were passed in such rapid order that the public could scarcely keep track of them.

A few instances of the kind in 1917 may be cited. The first appropriation for the army exceeded \$3,200,000,000, and it broke all the records of any nation in the matter of army funds. For the building of merchant ships more than \$400,000,000 was voted without delay, and for the construction of airships more than \$600,000,000. Our first general revenue act for 1917, as

finally agreed upon by Congress late in September, called for the raising of more than \$2,500,000,000 by taxation. A fund of \$50,000,000 was provided for the insurance of American merchant vessels and their crews. On October 6th, Congress passed the Soldiers' and



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THE LOTTERY OF THE DRAFT

Secretary of War Baker, blindfolded, drawing the first number from the jar. Each young man registered in the first conscription of soldiers for the World War was given a number in his district, and the drawing of the numbers at Washington was to determine what conscripts should be summoned into service on the first draft. The numbers were enclosed in capsules, and placed in a glass jar. The first number drawn by the Secretary was 258. This meant that every man in 4,577 districts holding the serial number 258 was the first man in his district called.

Sailors' Insurance bill, allowing every man in the fighting service to take out life insurance of from \$1,000 to \$10,000, according to his discretion, at a very low rate of premium. This was the government's substitute for the old system of military pensions, which had been put in operation after all our other wars, from the Revolutionary to the Spanish-American. Under this law the total of war insurance taken out reached the colossal total of nearly \$40,000,000,000. According to the report of the Secretary of the Treasury, the total awards

for death or disability up to July 1, 1919, already paid or claimed from the government, exceeded \$1,000,000,000.

6. The Liberty Loans.—Few evidences of American patriotism during the war were as impressive as the public response to the four Liberty loans. The first two, those of 1917, called respectively for two and three billions of dollars. The earlier of these was limited to the

amount named, but the second, in October, 1917, yielded an oversubscription of more than \$800,000,000. The two 1918 loans were for three billions and six billions respectively, but in the first instance there was an oversubscription of more than \$1,100,000,000, and in the second of nearly \$1,000,000,000. In addition to the four Liberty loans there was the Victory loan of 1919, following the armistice. On this occasion the \$4,500,000,000 called for was also oversubscribed. The following table tells the story of the public financing of the war through subscriptions for government bonds:

Titles	Amount Subscribed	Interest
First Liberty loan, 1917.....	\$2,000,000,000	3½ per cent
Second Liberty loan, 1917.....	3,808,766,150	4 per cent
Third Liberty loan, 1918.....	4,176,516,850	4¼ per cent
Fourth Liberty loan, 1918.....	6,989,047,000	4¼ per cent
Victory loan, 1919.....	5,249,908,300	4¾ per cent
	<hr/> \$22,224,238,300	

Here we have a total oversubscription of more than \$3,700,000,000 on calls which, as issued by the government, aggregated some \$18,500,000,000. The number of individual subscriptions to the Liberty loans steadily increased. It began with four and a half million subscriptions for the first Liberty loan, and leaped to ten million for the second. For the Fourth loan there were more than twenty million subscriptions, representing one-fifth of the country's entire population. After the war the Victory loan, though successful, stood for a total of pledges reduced to something less than twelve million.

7. Publicity and Propaganda.—One of the first orders of the President, dated April 14th, created a Committee on Public Information, including the Secretaries of State, of the War and of the Navy. Its mission was to open

up the business of government, as far as might be proper and possible, to the inspection of the people, to secure and direct their moral support. It was through the agency of this committee that the famous home army of "four-minute men" was organized, with enrollments in all the States, to appeal for public co-operation in Red Cross, Liberty Loan, War Stamp and kindred undertakings. Through this bureau the services of the press were enlisted, not only in publishing necessary and useful information, but in withholding publicity from matters which it was desirable to keep secret.

8. Domestic Safeguards.—By the Espionage act, passed June 15, 1917, Congress placed in the hands of the President and the Department of Justice full authority for safeguarding the country from its internal enemies. By this law (the title of which means espial, or spying) the government was armed with tremendous power to deal with cases of disloyalty and sedition, especially among aliens, and to expose and counteract all plots and conspiracies of foes within our borders. It was also thus enabled to exercise a strict censorship over newspapers. This act was one of the most extreme examples of the supremacy of the war power of Congress and its executive agents.

9. Controlling the Nation's Food.—It was on May 19, 1917, that the President took the first conspicuous step in the development of our wonderful system of Food Administration during the war, by naming Herbert C. Hoover as the national commissioner for that vital service. Nine days later the House of Representatives passed the first of the Food bills which were afterwards expanded into legislation at once arbitrary and effectual. The leading measures of this class were known as the Food Survey and Food Control bills, both of which re-

ceived the approval of the Senate and were signed by the President early in August. The more important Food Control law covered not only food but fuel, including oil and natural gas. Its express purpose was "to assure an adequate supply and equitable distribution of food and fuel for the successful prosecution of the war." It gave the President a dictatorship over the country's food supply.

By virtue of this measure, and particularly through the strenuous exertions of the Food Administration Board and its numerous local branches in all the cities of the country, not only was food production stimulated but economy of consumption was enforced among the people. The prime object in view was to feed our own troops, and the second to provide a sufficient supply for export to our allies. To this end it was necessary to insure the smallest possible consumption at home, especially of meat and, even in a stricter measure, of wheat, which of all the foods was the most valuable for military purposes.

After our troops had begun to assemble in camp in large numbers, the American people were asked to abstain from meat on appointed days and from wheat bread for an indefinite period. These orders of the Food Administration were rarely disobeyed. One of the great factors in the triumph of the allies was the food power of the United States. The full effectiveness of this power was largely due to the cheerful and voluntary sacrifices of the people, but the decisive impulse behind it was the autocratic power delegated by Congress to the executive authorities.

10. Stringent Fuel Orders.—The chief responsibility for the enforcement of the fuel provisions of the Food Control act was confided to Fuel Administrator Harry

A. Garfield of Massachusetts. The winter of 1917-18 was an exceptionally severe one, and in January, 1918, the power of the Fuel Administration was exercised in a sensational way. The scarcity of coal had become a real menace, by threatening to cripple both land and water transportation, and as the supply could not be quickly increased, it was necessary to cut down the consumption by heroic expedients. An order was issued by the Fuel Administration suspending for five days all industries consuming coal, except those producing materials necessary for the prosecution of the war. Thereafter there was a general suspension of business and industry on Monday of each week, which became popularly known as Garfield Mondays. In a month the saving of coal by this means so nearly equalized the supply and the demand that the order was suspended.

As an additional resource for economizing fuel, city lighting was diminished and "lightless nights" became familiar as a war-time phenomenon. The Daylight Saving law, which went into effect March 31, 1918, was partly intended to serve the same purpose. By advancing the hands of the clock one hour and maintaining the new system until the last Sunday in October, an additional hour of daylight was gained in the waking hours; and this was with the object of lessening the consumption of light and therefore of fuel. The daylight-saving system was repeated for approximately seven months in 1919, and the act establishing it was then repealed by Congress.

In August, 1918, in the critical days of our military operations in Europe, the scarcity of gasoline caused grave alarm, and the Fuel Administration, in order to conserve the supply, directed that the use of motor vehicles, except for necessary purposes, be discontinued

on Sundays. This rule remained in force until late October, and was generally obeyed.

11. Taking Over the Railroads.—On December 26, 1917, the President by virtue of authority conferred upon him by an anticipatory act of Congress dated August 29, 1916, assumed control for the government of all the railroads in the United States, and placed them in official charge of Secretary William G. McAdoo of the Treasury department as Director General. Within five days after our entrance into the war the railroads had voluntarily organized for war effort under the direction of a Railroad War Control Board, composed of five railroad presidents, and agreed to subordinate all their ordinary interests and rivalries to the supreme object of winning the war. But President Wilson and his advisers were convinced as the year waned that it was necessary to employ the whole railroad system as a war instrumentality subject to the government's central power. As a result, a Federal Railroad Administration, with branches in every community reached by a steam road, took the place of the various railroad managements, though their officials and employes remained in the government service in their former capacities. In this order appropriating the railroads, the President guaranteed to each corporation a revenue equal to its average net operating income for the three years preceding June 30, 1917; and in March, 1918, Congress passed the so-called Federal Control act confirming this agreement. This law provided that the railroads should remain under government control until twenty-one months had elapsed after the restoration of peace, unless they should sooner be restored to their former owners by the President's order.

As it turned out, the railroad companies resumed possession of their lines on March 1, 1920, by virtue of

an executive order followed by an elaborate act of Congress strengthening government supervision over their affairs and helping them, for a time, to repair their disorganized finances. The war experiment in railroad management involved a net loss to the government of approximately \$715,000,000 in the twenty-six months of its duration, despite a substantial increase in the rates for passenger and freight service.

12. War Councils and Boards.—Among the civil organizations directing the war-time energies of the country the Council of National Defense was from the first conspicuous. Besides six members of the Cabinet, it included as an advisory commission seven leaders of American industry, trade, finance, professional activity and labor. Connected with and subject to it was a number of working commissions, each of which was charged with special functions. Of these perhaps the most important was the War Industries Board, appointed in July, 1917. Its mission

was to oversee and direct the production of munitions, military supplies and all other commodities essential for the uses of our giant army; to provide for the proper distribution of raw materials among the producing industries, and to give them the right of way over the country's ordinary industrial activities. In 1918 the War Finance Corporation was created by Con-



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REMEMBERING OUR SOLDIER BOYS
Tons of Christmas mail for the men at the front. A familiar scene during war time in all the large postoffices of the United States.

gress, with an enormous fund at its disposal, and its official duty was to furnish needed capital to industries specially created to produce military supplies.

Whole volumes might be written upon the multiplicity of war services rendered by existing or newly created organizations, from the Red Cross down, in stimulating and making productive the public patriotism and in



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AMERICA'S PANTHEON

The memorial amphitheatre in Arlington cemetery near Washington, erected by Congress in commemoration of the patriotism and valor of American soldiers and sailors who died for their country.

collecting and forwarding funds and other contributions intended to supply the needs of our soldiers. But the examples cited are sufficient to show how the government was enabled, in strict compliance with the war powers conferred upon Congress and the executive by the Constitution, to bear effectively and honorably its share of responsibility in the greatest ordeal that ever confronted the modern world.

Our experience proved that the Constitution was as workable for all essential purposes in war as in peace. Every source of authority necessary for this great emergency was found in the original Constitution—in the Constitution as it was handed down to us by its framers at Philadelphia one hundred and thirty years before the passage of the historic war resolution of 1917. In a word, the Constitution was found to be perfectly fitted to meet a more severe test of its usefulness than had ever been dreamed of; and we may reasonably expect that public faith in, and affection for, the inspired work of its framers will hereafter be stronger than ever.

QUESTION GUIDE TO CHAPTER IX

1. Is the difference in our constitutional form of government specially marked when our country is in a state of war? Was it necessary to change the letter of the Constitution in order to meet conditions? What features of the Constitution were emphasized by our recent war experience?

2. What was the cost of the war to the United States from the beginning to June 30, 1919? Does this include our national loans to European allies? How was the size of our army increased? Of this number, how many went to France?

3. Apropos of the war, what part of the Constitution should we keep in mind? What was the great scope of this power?

4. While all the necessary power was lodged by the Constitution in the government, what was the safest way to insure quick action? How was supreme power conferred upon the President? Give an illustration of the power thus transferred.

5. What were the first acts passed by Congress? Give an illustration in figures of the magnitude of some of the appropriations called for. When was our first War Revenue act agreed upon and what sum did it call for? What purpose was the Insurance bill intended to serve?

6. What was the amount named in the first call for a Liberty loan? What was the amount of the second? In what respect did

the second differ from the first? Give the facts about the Third and Fourth Liberty loans. What was the Victory loan?

7. What was one of the first orders of the President? Who were included in the Public Information committee? What was the purpose of this committee?

8. When was the Espionage act passed? What do you mean by Espionage act? Mention some of the dangers necessary to guard against.

9. On what date was our National Food Commissioner appointed? Give his name. What was the most important food measure? What was the purpose of this bill? What was its effect?

10. To whom was the Fuel Administration entrusted? What expedient was necessary to conserve coal? Tell something about the Daylight Saving law? How was the supply of gasoline conserved?

11. On what date did the government take over control of the railroads? Who was given official charge? What was the President's guarantee to each railroad corporation? What was the period named for continuing government control? How long did the railroads actually remain under government control? What was the net loss to the government from railroad operation?

12. How was the Council of National Defense made up? Of the commissions connected with it, which was perhaps the most important? For what was the War Finance Corporation created?

CHAPTER X

RECENT CONSTITUTIONAL AMENDMENTS

Let it be remembered that the Constitution of the United States is not unalterable.—DANIEL WEBSTER.

1. The Sixteenth, Seventeenth and Eighteenth Amendments.—From 1913 to 1919, inclusive, the Constitution of the United States was three times amended. The first of these later amendments was to enable Congress to impose a direct tax on incomes, the second was to provide for the election of Senators by the people, and the third was to abolish the manufacture and sale of intoxicating liquors throughout the United States. These, as named in their order, were respectively the Sixteenth, Seventeenth and Eighteenth amendments.

With the exception of the so-called "slavery amendments" following the Civil War, the Sixteenth was the first amendment to the Constitution adopted in more than a century. If we recall that the first ten amendments were proposed in a batch as a supplement to the original Constitution, we can see that it has borne in a phenomenal way the test of experience and scrutiny. Hundreds of resolutions for changes in the Constitution have been introduced in Congress, but surprisingly few have been accepted by that body and submitted to the State Legislatures.

2. Direct and Indirect Taxes.—Taxes are direct or indirect, according to their sources. A *direct* tax is one

directly paid by the person taxed, out of his own pocket and at his own expense, to the government or its agent. The most familiar example of direct taxation is the real estate tax paid by persons to the city government on their own homes. *Indirect* taxes, on the other hand, are those which are first collected by the government from certain classes of citizens, and are afterwards shifted in various ways to the general public.

A Federal tax on goods imported from abroad—usually called a duty on imports—is a good illustration of the indirect tax. This tax is first paid to the government at the Custom House by the person importing the goods, but he, in turn, adds the tax, or duty, to the selling price of the merchandise, and it is therefore really paid by the final purchaser. Hence such taxes are classed as indirect, because they fall indirectly, or in a round-about way, upon the buying public.

Internal revenue taxes, sometimes called excise taxes, are also indirect taxes. These are levied on domestic products, sales and other transactions. Many of the taxes imposed by Congress during the World War—such, for example, as taxes on soda water and theatre tickets—were internal revenue taxes. The tax on cigars and other manufactures of tobacco is one of the oldest and best known kinds of internal revenue taxation. When a man buys a cigar the tax is included in the purchase price. The tax is indirect because it was first paid by the manufacturer when he bought stamps for each box of cigars, then by the dealer when he bought the cigars from the maker, and lastly by the customer at the retail counter.

Not only the Federal government but the States and cities levy both direct and indirect taxes. The indirect city taxes often take the form of licenses. These are

indirect, because the person obtaining the license manages to recover the tax he pays from somebody else.

The Constitution gave Congress power "to lay and collect taxes, duties, imposts and excises." Under this grant, Congress was at liberty to collect indirect taxes in any manner it should please. But with regard to direct taxes the Constitution prescribed a special rule for Congress to follow. "Direct taxes," it reads, "shall be apportioned among the several States . . . according to their respective numbers," or populations. Thus, while Congress had a free hand in the collection of indirect taxes, like duties on imported goods and internal taxes on tobacco and other articles, it was obliged, in time of peace, to levy and collect direct taxes through the States, or not at all.

This provision was intended as a concession to States' rights. It proved to be a serious obstacle to the enactment of an income tax law, and one that could be removed only by amending the Constitution.

3. Why a Change was Needed.—A tax on personal incomes is a direct tax. It would be unwise and unjust to apportion a national income tax among the States according to their "respective numbers," or populations. The population of a State would not be a fair measure of the total incomes of its inhabitants. This is illustrated by the case of New York. More wealth is massed in New York than in any other State. What is more, it has a larger volume of taxable incomes in proportion to its population than any other State. But under the constitutional provision already quoted, Congress could not have directly taxed the personal incomes of New Yorkers. It would have been obliged to reckon New York's share of the tax on the basis of its population. This would not have been fair to the other States, because New

York's share of the total incomes of the country is larger, in proportion to its population, than that of any other State. In order to tax incomes directly without regard to State boundaries or populations, it was necessary to amend the Constitution.

4. Clearing the Way.—During and immediately after the Civil War Congress was free to levy, and did levy, an income tax, because the ordinary restraints of the Constitution may be suspended when our nation is engaged in war. Congress then acted under its general war powers. This income tax was abolished in 1867. In 1894 an income tax was attached to the general tariff act of that year, but in the following year the Supreme Court, by a close vote, declared that part of the act unconstitutional, on the ground that it was contrary to the method of apportioning direct taxes prescribed by the Constitution. But in time a strong popular demand was felt for an income tax, its advocates arguing that it would be the fairest kind of Federal taxation, because it would be proportioned to each person's capacity to pay.

In 1909 Congress yielded to this constantly growing pressure and submitted an amendment to the Constitution, by which it was decreed that "the Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration." The ratification of this Sixteenth amendment four years later cleared away the constitutional impediment, and opened up to the government its most fruitful source of revenue.

5. The Income Tax Laws.—The first income tax act passed by Congress after the adoption of the amendment—that of 1913—was a comparatively mild measure. It laid a one per cent tax on incomes, but exempted from

taxation all incomes of single men not over \$3,000 per annum and all incomes of married persons not over \$4,000. By the act of 1916 the tax on incomes was increased to two per cent, with the same exemptions. But the financial needs of the government after our entrance into the war in 1917 compelled Congress to add materially to the income tax rate and to impose extra taxes (or surtaxes, as they are called) on heavy incomes; and also to lower the exemption to \$1,000 for single and \$2,000 for married men. In fixing the exemption it was the purpose of Congress to leave untaxed that part of an income essential for self-support, and, in the case of a married man, for the support of his family. Thus, if a married man had an income of \$2,500, he was taxed only on that part of his income above \$2,000—or on \$500. Married men could claim a further exemption for each dependent child.

There can be no doubt that the income tax, though its rate of assessment may be changed from time to time, will hereafter be a permanent source of government revenue.

6. The Senatorial Amendment.—The Seventeenth amendment, ratified and proclaimed in the same year as the Sixteenth, was simple in form and purpose. It decreed a new method of electing Senators in Congress, namely, by the direct popular vote of the States.

For a century and a quarter the Senators had been chosen by the State Legislatures. In theory, the voters took an indirect part in their election, for it was the people who, in the several States, chose the members of the Legislatures to whom this constitutional duty was confided. But in practice the voters had often little or nothing to say about the election of the men who were to represent their several States in the upper branch of

Congress. In States that were politically one-sided—that is, in which one party or another was assured in advance of control of the Legislature—candidates for the Senatorship sometimes announced themselves in advance of the voting for legislators, and enough legislators pledged to a specified candidate were chosen to insure his success when the Legislature balloted for Senator. But quite as frequently the campaign for Senator did not begin in earnest, at least to the public knowledge, until after the Legislature charged with the duty of election had been chosen at the polls.

7. Abandoning the Old Method.—In cases where the party majority of a Legislature was confronted by more than one candidate for Senator belonging to that party, the rule was for the party in control to hold a caucus and decide by ballot which candidate should have its united support. When a candidate for Senator in the dominant party had no opposition, the process was even simpler. But there were sometimes serious deadlocks in party caucuses where several candidates were in the race, and the favorite was finally beaten by clever combinations. Moreover, disquieting reports were at times circulated of the illegitimate use of money in influencing caucus or legislative action in the interests of wealthy candidates for Senator. In several instances grave scandals resulted; and more than once since the Civil War Senators were unseated at Washington because it was shown that they or their friends had purchased the votes of legislators.

Public dissatisfaction with a system thus open to abuse steadily grew, and it finally developed into an irresistible demand that the Constitution be so changed that Senators would be nominated and elected by the voters, like Governors and other State officers. There was little objection to this reform, excepting the senti-

mental one growing out of the original decision of the makers of the Constitution that the Legislatures, and not the people, should select each State's representatives in the Senate. But this protest had little effect at a time when the people were disposed to acquire a firmer grip on their party concerns and their official service.

What added a large measure of strength to the movement for the popular election of Senators was the widely prevalent belief that State "bosses" were exercising too much power in the choice of Senators through their legislative tools or followers. Naturally enough, the strongest resistance to the reform was seen in the Senate itself; but both branches of Congress finally yielded to the popular pressure. The amendment was submitted to the States in May, 1912, and hardly a single year elapsed before it was ratified by the necessary three-fourths of the State Legislatures.

8. The Prohibition Amendment.—The Eighteenth, or Prohibition, amendment to the Constitution was submitted to the States by Congress in December, 1917, and about thirteen months afterwards, or in January, 1919, it was ratified by the last of the necessary three-fourths of the States. Its essential sections are as follows:

SECTION 1. After one year from the ratification of this article, the manufacture, sale or transportation of intoxicating liquors within, the transportation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes, is hereby prohibited.

SECTION 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

The Eighteenth amendment differs from the other amendments to the Constitution in two respects. Unlike every other amendment, it left a margin of time between

the date of final ratification and the date of enforcement. It also confers upon the Congress and the States "concurrent power" of enforcement. The enforcement of every other amendment calling for legislative action is reserved to Congress alone. The expressed reason for the one year's grace was to give to those engaged in the prohibited traffic advance notice and a leeway of time for adjusting their business affairs to the new system.

9. Climax of a Long Agitation.—The Prohibition amendment was the result of a very long agitation against the production and sale of intoxicating beverages. This crusade was preceded more than a hundred years ago by a temperance movement which afterwards took many forms and which relied more upon moral agencies and religious revivals than upon political action to accomplish its purpose. In the thirties and forties, however, the question appeared in local politics, and in a number of New England towns licenses were denied to dealers in intoxicants.

The first prohibitory, or no-excise, law applicable to a whole State was passed in Maine in 1851, and for that reason it was long known as the Maine law. In the next four years several other States followed Maine's example, but their prohibitory laws were soon repealed, and Maine also resumed her old license system for the two years 1856 and 1857. Apparently one reason why the Prohibition tide of the early fifties soon subsided was the intense concentration of public interest upon the slavery question. With the exception of Maine, where the no-license law was resumed in 1858, State Prohibition did not again cut any political figure until sometime after the Civil War. In this interval some of the States had anti-liquor laws on their statute books, but there was scarcely a pretense of enforcing them.

In 1876 the question was introduced in Congress by Representative Henry W. Blair of New Hampshire with a resolution for a constitutional amendment prohibiting the manufacture of distilled liquors in the States and territories, but leaving the States to decide whether beer and wine should be made and sold within their boundaries. The Blair proposal came to nought. In the early eighties Kansas adopted a Prohibition amendment to its State constitution, and it may therefore be called the second, in order, of the permanent Prohibition States, while North Dakota, coming into the Union with a "dry" constitution in 1889, may fairly be ranked third.

Meanwhile local option—that is, the determination by popular vote whether license or no-license for the sale of liquor should prevail in counties, towns and villages—had been increasing. As a result it was claimed as early as 1870 that 3,500,000 people lived in so-called "dry" territory.

The Prohibition party made its first appearance in Presidential politics in 1872, but it never, from the beginning, gained a Presidential Elector. It was in other directions that the Prohibition party was winning its recruits and attaining its ends. The rejection of the Blair amendment by a heavy majority showed that in the seventies there was little sentiment for Prohibition by law. In the eighties there was not much visible change in that particular. In 1894 public attention was turned to the general question of liquor regulation by a strange experiment in South Carolina introduced by Governor Tillman's Dispensary law. It was in effect a plan for the sale of liquor through State agencies, and it remained in force some thirteen years.

10. The Spread of the Movement.—A strong impulse was given to the Prohibition movement by the organiza-

tion of the Anti-Saloon League in 1895—a national body, with headquarters at Washington. After twelve years of operation the League claimed forty-two State branches.

Another powerful influence working to a similar end was the beginning of a crusade in the South for the closing of the saloons in 1907. Georgia then took the lead in legislative Prohibition in that section. In the same year Oklahoma came into the Union with a rigorous no-license system. By 1909 eight States were in the Prohibition column either by constitutional or statutory law, including three Southern States, Georgia, Mississippi and North Carolina. North Carolina, in 1908, was the first Southern State to adopt Prohibition by a special popular vote, or referendum. In 1911 the Anti-Saloon League Year Book claimed that the inhabitants of "dry" territory numbered a full majority of the American people. By far the greater part of this belt was "dry" in consequence of local option.

11. Congress Lends Its Aid.—In the ten years following 1907 the number of States adopting State-wide Prohibition rapidly increased, and by the dawn of 1917 a majority of the States was committed to that policy. Before this time Congress had enacted the Webb-Kenyon law prohibiting the importation of intoxicants from "wet" into "dry" States, and the Supreme Court afterwards upheld the constitutionality of this statute, in spite of the claim that it was a denial of freedom of commerce between the States.

While the European war was in progress, the crusade for Prohibition, which had hitherto been largely confined to the States, assumed the aspects of a movement for the nation-wide abolition of the manufacture and sale of intoxicating beverages. The Sixty-fourth Congress, which served from March 4, 1915, to March 4,

1917, had a majority favorable to Prohibition, as was proved by its act of January, 1917, forbidding the sale of intoxicants in the District of Columbia.

The Sixty-fifth or War Congress, elected in 1916, was even more strongly inclined in the same direction. After that body had adopted its war resolution in 1917, some of the legislation that followed had the effect of promoting the general Prohibition movement. The National Food Control law, enacted in August, 1917, put an end to the production of distilled spirits, in order to conserve the supply of grain, fruits and other food material. By the same act the President was authorized to forbid the production of beer and wine, or to order the reduction of their alcoholic content, when he should deem such a step necessary to protect further the food supply. Later President Wilson decreed that the alcoholic content of beer be cut down to two and three-fourths per cent.

In November, 1918, Congress passed a law providing that after June 30, 1919, the manufacture and sale of beer and wine, as well as of spirits, should cease in the United States, excepting beverages with an alcoholic content of less than one-half of one per cent. The armistice had then been signed, but we were still in a state of war with Germany. This legislation was therefore an exercise of the war powers of Congress. It was intended to be operative until the American army had been demobilized or dissolved. Demobilization was not completed on July 1, 1919; so the new Prohibition law went into effect on that date. On October 28, 1919, Congress passed, over the President's veto, another and more stringent Prohibition act, which was to remain in effect until the actual conclusion of the war by a formal peace with Germany. The Senate having declined to ratify the

peace treaty this statute remained in force until January, 1920, when the Prohibition amendment to the Constitution went into effect.

These various War-Time Prohibition acts, as they were generally called, must be kept entirely distinct from the Eighteenth amendment, or the legislation for its enforcement. In time of peace Congress would not have had the power to make the nation "dry" by law, if the Constitution had remained unchanged. But while we were engaged in hostilities with Germany and while the war condition was technically continued through the absence of a peace treaty, Congress had the constitutional right to enact a general Prohibition law under its war powers. This right would have ended when the peace treaty was ratified were it not that the constitutional amendment had been adopted in the meantime.

12. A Constitutional Barrier Removed.—Why was a constitutional edict necessary to this end in time of peace? The answer is found in Article X of the Constitution, as follows:

The powers not delegated to the United States by the Constitution, nor prohibited to it by the States, are reserved to the States respectively, or to the people.

From the beginning of the government the power to regulate the liquor traffic within the States has been recognized as one of their reserved powers. Many of the States, as we have seen, took advantage of this power to abolish the traffic within their respective borders. But where a State preferred to maintain the license system Congress had no power to interfere with it until the Eighteenth amendment became effective.

What really happened was this: Through the ratification of the Eighteenth amendment by three-fourths of the States, it was ordered that the power reserved to the

States of regulating the liquor traffic should be taken from them and lodged in the Federal government; while at the same time the manufacture and sale of intoxicating liquors throughout the nation were abolished by constitutional decree.

13. The Provisions for Enforcement.—It was necessary for Congress, however, to provide by law for the enforcement of national Prohibition under the amendment. Accordingly, it combined with its last War-Time Prohibition statute of October 28, 1919, a National Prohibition act, to go into effect when the Eighteenth amendment became operative. Congress created the necessary official machinery for enforcing the constitutional mandate, and placed it under the chief direction of the Commissioner of Internal Revenue, with whom are associated a National Prohibition commissioner, a Deputy commissioner and a number of assistant commissioners.

QUESTION GUIDE TO CHAPTER X

1. What changes took place in the Constitution from 1913 to 1919? Name the amendments in the order in which they occurred. Is the Constitution often subject to such change? If not, what does this prove?

2. How many kinds of taxation are there? What is the difference between direct and indirect taxation? Give illustrations. What power of taxation did the Constitution give to Congress? What was the obstacle to the collection of a Federal income tax?

3. Explain why an income tax, levied on the States, and not on individuals, would not work fairly? What was it necessary to do in order to enable Congress to tax incomes directly?

4. When did Congress submit the Sixteenth amendment to the States? In what year was it ratified?

5. What were the general provisions of the first income tax after the adoption of the Sixteenth amendment? When was this

tax increased and in what way? How did the war affect income taxes?

6. When was the Seventeenth amendment ratified and what was its purpose? How had the Senators previously been chosen? Tell how the old method prevented the people from expressing a choice as to Senators.

7. What abuses developed in the old method of electing Senators? Did scandals arise under the old system?

8. What is the Eighteenth amendment? When was it submitted and ratified? Give the substance of the amendment. In what way does the amendment differ from other amendments to the Constitution? What reason was given for the one year's grace?

9. How many years since the first temperance movement was begun in the United States? What organizations promoted this agitation? When did it first appear as a political movement? What State was the first to adopt Prohibition? What was the chief reason for the decrease of interest in the movement? What was Governor Tillman's Dispensary law? Name two States that adopted Prohibition in the eighties.

10. When was the Anti-Saloon League organized? When did the first Southern States accept Prohibition? What was the first Southern State to adopt Prohibition by popular vote? What progress was claimed by the Anti-Saloon League in 1911?

11. How did the States stand in 1917? What is the Webb-Kenyon law? What happened to the Prohibition movement during the war? How did the war Congress aid the movement? Name a feature of the National Food Control law? What Prohibition act did Congress pass in November, 1918? When did this bill go into effect? Were the War-Time Prohibition act and the Eighteenth amendment distinct?

12. Why was a constitutional amendment necessary to establish national Prohibition in time of peace?

13. When did Congress make provision for the enforcement of the Eighteenth amendment?

CHAPTER XI

THE WOMAN SUFFRAGE AMENDMENT

On this line we propose to fight our battle for the ballot—peaceably, but nevertheless persistently—until we achieve complete triumph, and all United States citizens, men and women alike, are recognized in government.—SUSAN B. ANTHONY.

1. **The Text of the Amendment.**—On May 21, 1919, the House of Representatives, and on June 4th the Senate, adopted by the necessary two-thirds vote a resolution submitting to the State Legislatures the Nineteenth amendment of the Federal Constitution. It reads as follows:

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

SECTION 2. Congress shall have power, by appropriate legislation, to enforce the provisions of this article.

With this action of Congress, a long advance was made in the crusade for the enfranchisement of women which had been started more than seventy years before.

2. **The Pioneer Suffrage State.**—To explain the reason and purpose of this amendment, it is necessary to repeat that the Federal Constitution, as originally adopted, included no provision relating to voting qualifications, and that the regulation of the suffrage was one of the powers reserved to the States by the Tenth amendment.

Prior to 1890, no State had conferred the voting franchise on women, if we except a brief interval in the early history of New Jersey, in which property owners without regard to sex were permitted to cast ballots for all candidates for office. For many years women who paid taxes were allowed to vote in some of the States in school elections or in other elections or referendums calling for unusual expenditures of money. But never until 1890, when Wyoming came into the Union with a Constitution granting the right to vote to all women on the same terms as men, did general suffrage for that sex exist in any State of the Union. Wyoming may therefore be called the pioneer Woman Suffrage State. Indeed, Wyoming territory had broadened the suffrage to include women more than twenty years before it acquired Statehood. By an act passed in 1869 the Legislature of Wyoming enabled the women of the then existing territory to vote for Delegate to Congress and to perform jury duty.

3. The Beginning of a Long Struggle.—In the forties a movement for Woman's Rights was launched in New York State. Its general object was to improve the political, industrial and professional status of womankind, and the demand for the ballot was only one plank in its platform, so to speak. We find it taking organized form at a convention of its sympathizers held in the village of Seneca Falls, Western New York, in 1848. Among the leaders at that convention were Mrs. Lucretia Mott, who was noted for her zeal for the abolition of slavery, and Mrs. Elizabeth Cady Stanton, afterwards for many years one of the leaders of the suffrage crusade. Among the resolutions endorsed by the Seneca Falls convention was one declaring that "it is the duty of the women of the country to secure to themselves their sacred right to the elective franchise."

In the movement thus inaugurated another woman soon rose to prominence—Miss Susan B. Anthony—who for nearly sixty years thereafter, or until her death in 1906, was perhaps the most devoted and conspicuous champion of the cause. Together Mrs. Stanton and Miss Anthony were for a long time the real leaders of the movement. But Mrs. Stanton, who was burdened with the cares of a large family, went on record in her later years as saying that her spinster partner was the strong working member of the firm. The first great demonstration of the Woman's Rights association was made at Syracuse, New

York, in 1852. It was attended by two thousand persons, and it aroused widespread interest. It was here that Miss Anthony made her public debut as a suffragist. It was followed by a Suffrage State Convention at Albany two years later; and then the movement took a more practical turn with a campaign to induce the New



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SUSAN B. ANTHONY

The famous Woman Suffrage leader whose name is often given to the Nineteenth amendment to the Constitution.

York Legislature to grant the ballot to women. In the course of the agitation for this purpose, Miss Anthony addressed meetings in nearly all the counties of the State in the winter of 1854-5 and the following spring. But the Legislature proved to be overwhelmingly hostile to the proposal.

By this time the Woman's Rights propaganda was well-nigh eclipsed by the slavery issue; and, although Woman's Rights, or Suffrage, conventions continued to be held intermittently, the movement languished until after the Civil War.

4. The First Fight for Recognition by Congress.—
In the years following the Civil War, when the Constitution was undergoing a process of amendment to safeguard the freedom and political rights of the colored man, the battle for Woman Suffrage was transferred to Washington. Its leaders saw an inviting chance to achieve their ends when the Fourteenth amendment was under consideration by Congress. As finally framed, this amendment provided that "all persons born or naturalized in the United States are citizens of the United States and of the State wherein they reside"; and it further provided that any State which should deny to its "male inhabitants the right to vote should have its representation in Congress reduced proportionately." In this amendment the word "male" is mentioned in the Constitution for the first time. Its purpose was to protect the rights of citizenship in the case of colored males alone. The Suffragists tried hard to have the word "male" stricken out of the amendment, because, as they contended, this first constitutional reference to sex would raise a fresh obstacle against their enfranchisement. But Congress turned a deaf ear to their plea, and the amendment was submitted to Congress in the form it still retains.

In 1869, when the Fifteenth amendment was submitted, the Suffragists renewed their pressure on Congress. This amendment forbade any State to deny its citizens the right to vote "on account of race, color or previous condition of servitude." Again, Congress had the interests of colored males solely in mind, and again it refused to concede the claims of the feminine sex in shaping the amendment. It seems strange now to reflect that white women were still barred from the suffrage by constitutional amendments that recognized the citizenship and voting rights of the former slaves. The only explanation for this extraordinary discrimination that historians can offer is that popular sentiment was still strongly hostile to Woman Suffrage; and that the supporters of the Fourteenth and Fifteenth amendments feared that their adoption would be imperiled if the amendments were broadened so as to concede the equal political rights of women.

5. Miss Anthony's Challenge.—In this same year of 1869 the National Woman Suffrage association was organized, and then another long stage of the agitation set in. Three years later, in the Presidential contest of 1872, Miss Anthony forced another crisis by registering and voting in her home city of Rochester, New York. The election inspectors did not resist her attempt to register when she claimed to be a citizen under that provision of the Fourteenth amendment quoted in the last paragraph. Miss Anthony's action was imitated by her three sisters and by several other women in her ward. A fortnight after the election all of them were served with warrants for violation of the law by a Deputy United States Marshal. The case attracted national attention. Miss Anthony's trial took place at Canandaigua, New York, in the following June, with Ward

Hunt, Jr., an Associate Justice of the United States Supreme Court, on the bench. On the basis of the undisputed facts, the Justice fined the defendant \$100 and the costs of the action.

6. A Senate Defeat and State Victories.—The Suffrage agitation went on, without practical results, until 1886, when a resolution for the Susan B. Anthony amendment to the Constitution was introduced in the Federal Senate. It was voted down by a majority of two to one. It was identical with the Nineteenth amendment as it stands today. But the States soon thereafter began, on their own account, to grant women the political recognition which had so far found such little favor in Congress. The example of Wyoming in 1890 was followed by Colorado in 1893, with a State constitutional amendment giving the suffrage to women. Utah and Idaho fell in line in 1896, the State of Washington in 1910, California in 1911, Arizona, Kansas and Oregon in 1912, and Nevada and Montana in 1914.

It will be observed that this original constitutional cluster of eleven Suffrage States was almost wholly confined to the extreme West. In all of them women voted in the Presidential election of 1916. But they had one important reinforcement on that occasion, so far as the national contest was concerned. In 1913 the Legislature of Illinois enacted a law, as its State Constitution permitted it to do, enabling its women to vote for Presidential Electors. Accordingly Illinois completed the full dozen of States in which women were allowed to vote in the contest that ended with Woodrow Wilson's second election. The group of States granting women the ballot by an amendment to the State Constitution, was further enlarged in 1917, when the people of New York voted for Suffrage.

7. **The Crusade for National Suffrage.**—Before 1916, however, the movement for Suffrage by State action had become a determined crusade for nation-wide enfranchisement of women by an amendment to the Federal Constitution. This meant a growing pressure on Congress for the submission of such an amendment to the States. It was partly successful in February, 1918, when the popular branch of the Sixty-fifth Congress cast the necessary two-thirds vote for a resolution to that



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A WOMAN IN HIGH OFFICE

Helen H. Gardiner, member of the United States Civil Service commission, one of the first women appointed by President Wilson to hold important trusts under the Federal government.

effect. But the Senate was not so compliant. It voted on the resolution on October 1st and a minority sufficiently large to defeat the proposal was recorded in the negative. In the election of the following November, the Suffragists gained several Senators, and both branches of the new Congress, the Sixty-sixth, joined in submitting the amendment.

8. **The Pressure for Quick Action.**—So far as the power of Congress went, the way was thus cleared for

the adoption of the amendment by the State Legislatures. The Suffrage leaders now had a double object in view. One was to secure ratification of the amendment by three-fourths of the Legislatures. On this point they were confident. But they also deemed it of the highest importance to have ratification completed in time to enable all the qualified women of the country to vote in the Presidential election of 1920. They were here confronted by a serious obstacle, because a majority of the State Legislatures had finished their regular 1919 sessions when Congress adopted the Suffrage resolution, and they were not to meet again in regular session before 1921. The only way to overcome this difficulty was by calling special sessions of Legislatures for the express purpose of ratifying the amendment. The Governors of a number of States responded to a request to this effect and summoned special sessions.

Owing largely to this expedient, twenty-two State Legislatures ratified before the close of 1919. Illinois, Wisconsin and Michigan started the ball rolling by ratifying on June 10th, only six days after the Federal Senate had confirmed the action of the House of Representatives; and on December 12th Colorado completed the 1919 total of twenty-two States.

Fourteen more States, or thirty-six in all, were then necessary for ratification. Rhode Island and Kentucky ratified in January, and New Jersey in February—all three at regular sessions. Ten other States ratified before April 1st at special legislative sessions called by the respective Governors. When the Legislature of Washington State took favorable action on March 22, the total of ratifying States was raised to thirty-five. Only one more State was needed. The crisis excited considerable interest throughout the country.

The Suffrage leaders had counted upon the Delaware Legislature, which met in special session on March 22d, to supply the lacking vote.



Underwood & Underwood.

WHILE MOTHER VOTES

A kindly policeman interesting the little ones while the mother is in the polling booth preparing her ballot.

But after a long contest the lower branch rejected the amendment early in June. In the same month Louisiana followed suit. Only five States remained in which no legislative vote had been taken, either for or against. They were Connecticut, Vermont, Florida, North Carolina and Tennessee. The Governors of Connecticut and Vermont refused persistently to call extra sessions, pleading that the matter was not one of urgent necessity. The Governor of Florida likewise declined. The struggle thus narrowed down to two States.

Public interest in the result deepened when it was learned that special sessions of the North Carolina and Tennessee Legislatures had been called. In both States the opposition to Suffrage was strong and well organized. By this time the summer was advanced and the thirty-sixth State was still missing. The time was getting desperately short if the amendment was to be ratified in time for the States to make the necessary arrangements to enable the women of the country to vote at the approaching Presidential election.

9. The Last Act.—The North Carolina Legislature met in July. It was soon evident that a favoring vote could not be obtained from that quarter. But the long contest for Woman Suffrage was ended in Nashville on August 18th, when, by the extremely close vote of 49 to 47, the lower branch of the Tennessee Legislature approved the amendment. The State Senate had ratified four days before. Eight days later, on August 26th, Bain-



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SOME FUTURE CITIZENS

An Americanization class. First lessons in patriotism and citizenship for the daughters of immigrants. Teaching them the origin of the American flag.

bridge Colby, Secretary of State, issued the proclamation certifying that the Nineteenth amendment had become a part of the Federal Constitution.

An effort was made at Nashville to reconsider and reverse the close vote in the Tennessee lower house. Complications followed, and an attack in the courts upon the regularity of the Tennessee ratification was threatened. But all doubts as to the validity of the final ratification were removed by the Legislature of Connecticut, which approved the amendment late in

September at a special session called by the Governor. It thus clinched the ratification, with one State to spare.

QUESTION GUIDE TO CHAPTER XI

1. When was the Nineteenth, or Woman Suffrage, amendment submitted by the House, and by the Senate? What are its provisions?

2. Did the Federal Constitution, as originally adopted, undertake to prescribe voting qualifications? Where, then, was that power lodged? Did any of the States confer the ballot on women prior to 1890? What limited voting right have women exercised in some of the States? What was the first State to grant the full franchise to women? In what year did this occur?

3. In what broader movement did the fight for Woman Suffrage originate? When and where did the Woman's Rights movement take form? Who were two of its most distinguished leaders at that time? What famous woman later joined the movement? In what city and what year was a great Woman's Rights demonstration held? In what State, and when, did the Suffrage leaders conduct their first crusade for legislative recognition, and what was the result?

4. What turn did the movement take after the Civil War? Why did the Suffragists oppose the wording of the Fourteenth amendment? In what later amendment did Congress discriminate against women? Why did Congress acknowledge the claims of race and color in drafting the Fifteenth amendment, and ignore those of sex?

5. When and where did Susan B. Anthony make a famous test case regarding her right to vote? On what provision of the Constitution did she base it? What notice did the government take of her action? What was the sequel?

6. When was the original Susan B. Anthony amendment introduced in the Federal Senate? What disposition was made of the resolution by that body? What was the first State to follow Colorado in giving the ballot to women? How many States had adopted this policy up to and including 1914? What was the twelfth State in which women were allowed to vote in the Presidential election of 1916? By what means did Illinois join the group of Suffrage States in that contest?

7. What larger object did the Suffragists seek to gain before this time? What was the result as shown in Congress in 1918?

The Woman Suffrage Amendment 189

What branch of Congress blocked the Suffrage amendment in that year? What was the effect of the elections of 1918 on the amendment project?

8. When Congress finally submitted the amendment, what two objects did the suffrage leaders have in view? Why did they consider quick action essential in the matter of ratification? What obstacles were in the way? What expedient was adopted to bring the question before State Legislatures? Mention some of the interesting developments in the struggle for an early ratification of the amendment.

9. What State Legislature furnished the thirty-sixth vote necessary for ratification? What incidents marked the final struggle?

CHAPTER XII

OUR NATIONAL DEPENDENCIES

The people of the United States, as sovereign owners of the National Territories, have supreme power over them and over their inhabitants.—UNITED STATES SUPREME COURT.

1. **The Home Territories.**—In the history of the Republic the term "territory" was originally applied to the land situated outside the States, but owned by the States. When the Federal Constitution was adopted this land covered a great area, which was afterwards vastly extended by purchases and treaties, including our peace treaty with Mexico. All of this region was divided into territories, and these were controlled and governed by Congress under the provision of the Constitution which authorizes that body "to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States." This clause shows how the territories differed from the States. The States were in large measure self-governing communities; but the territories were no more than landed property owned by the United States and governed by laws passed by Congress.

In due time all the great territories stretching from the original thirteen States to the Pacific ocean were peopled with settlers and admitted into the Union as States. The last of them, Arizona and New Mexico,

came into the Union in 1912. The whole area was then occupied by States, save only the District of Columbia, in which Washington city is located.

But our country still has large territorial possessions and responsibilities owing to outside additions, beginning with the purchase of Alaska.

2. The District of Columbia.—This district covers about seventy square miles. The site of the National Capital was purposely made neutral ground. It was



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UNCLE SAM'S MODEL HIGH SCHOOL

This is a reminder that Washington has its city interests, like every other American community. It is the city's Central High School, a notable structure for the purpose, with fine surroundings.

deemed fitting that Washington, the official home of the Federal executive and legislature, should be forever detached from, and politically independent of, the States. The district was acquired by act of Congress in 1790. In the following year the site for the city was chosen by President Washington, and Commissioners were appointed to lay it out. Congress first assembled there in November, 1800.

The first government of the capital, which lasted some seventy years, resembled that of many American cities

of today, though it was responsible to Congress. It included a Mayor and Common Council. But in 1871 the system was reorganized somewhat after the model in the United States territories of the early days, with a Governor, legislative assembly and various boards or commissioners. The district was also privileged, like each territory, to elect a delegate to Congress. But this plan proved unsatisfactory, and it had a short life.

In 1874 the government of Washington, which is now in force, was created by Congress. It is in charge of three commissioners appointed by the President, two of them from civil life and one from the army. They exercise the powers usually intrusted to city government in the States, with this difference, that Congress retains decisive authority over the district. Each branch of Congress has a committee on the District of Columbia, and through these committee agencies such laws as may be necessary for the government of the district are framed and follow the general course of legislation. The district, however, has no longer any representation in Congress. Its permanent residents, moreover, have no votes in Presidential elections; but the government officials temporarily dwelling there do not, of course, forfeit the right to vote in their home districts. The city has its separate judicial system, and its citizens are taxed for half the cost of running their government, the other half being assessed on the Federal Treasury.

3. The Territory of Alaska.—Of the American possessions beyond the national boundaries, Alaska, purchased from Russia in 1867, is the oldest. It is also, by long odds, the largest in area of our foreign territories or dependencies, covering, as it does, nearly 600,000 square miles. It cost our government \$7,200,000, or at the rate of a little more than \$12 per square mile; never-

theless, it was long regarded by many Americans as a barren waste and a foolish investment. But in time the judgment of William H. Seward, Secretary of State in 1867, who strongly favored the purchase and who conducted the negotiations with Russia, was vindicated. For the ten years thereafter Alaska was governed by the War department, but its meager customs duties were collected by the Treasury department, which in 1877 obtained official control of the region. In 1884 Congress passed a law which extended to Alaska some of the laws of the State of Oregon, created a judicial district and a land district there, put in force therein the mining laws of the United States and gave the country an administrative system.

The territorial history of Alaska underwent a sensational change in 1896, when gold was discovered in the Klondike. The rush of new settlers and gold seekers to Alaska and the development of a big American colony there necessitated additional laws by Congress. These were followed in 1903 by the Alaska Homestead act—an act for the better regulation of land and mining claims. In 1906 Alaska was authorized to send a Delegate to Congress, and in 1912 it was organized by act of Congress as a territory of the United States.



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THE ALASKAN CAPITOL

The city of Juneau, in which it is located, nestles at the foot of towering mountains.

The territory now has a Governor appointed by the President and serving for a term of four years. It has a territorial Legislature with two branches—a Senate with eight members and a House of Representatives with sixteen members. The country is divided into four judicial districts, and in each of them two Senators and four Representatives are elected to the territorial legislature, the Senators for a four years' term and the Representatives for a two years' term. The Legislature meets every two years at Juneau, the capital. Its power extends "to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States," the exceptions being enumerated in the act of 1912. But the appointive Governor may veto any act passed by the Legislature, and all of its laws are, moreover, dependent upon the approval or disapproval of the Congress at Washington.

4. **The Territory of Hawaii.**—The territorial government of Hawaii does not differ in any important particular from that of Alaska. The Hawaiian (or Sandwich) islands were annexed to the United States by an act of Congress in 1898. The islands were formerly an independent kingdom, but in 1893 the people overthrew their ruler and established a republic. Five years afterwards Hawaii became a part of the United States on the petition of its inhabitants.

The Governor of Hawaii is appointed by the President, but the Legislature is larger than Alaska's, with fifteen Senators and thirty Representatives, whose respective terms are the same. In Hawaii the right to vote is confined to those who are able to speak, read and write the English or Hawaiian language. The Legislature meets at the Capital, Honolulu, and the administrative officers there located, corresponding with those



IN DISTANT HONOLULU

The Capitol building of Hawaii, picturesquely situated as above, was built in the days of the Hawaiian monarchy by King Kalakaua. It was there his sister and successor lived when she was dethroned in the early nineties. The Hawaiian Islands were annexed by the United States in 1898, and since that time the building has been occupied by the territorial legislature and the officers of the territorial government.

in many of the States, are appointed by the Governor, generally from the resident population. In both Alaska and Hawaii the higher judges are appointed by the President, and they are empowered to name the judges for the inferior courts.

5. The Government of Porto Rico.—Since the admission of Arizona territory into the Union in 1912, Alaska and Hawaii have been commonly classed as our “organized territories,” because they follow closely our old territorial model. But Porto Rico is now very close to this status, though it still remains an island possession, as distinguished from a territorial annex of the United States. Like Hawaii and Alaska, it has an appointive Governor and an elective Legislature.

Porto Rico and some small adjacent islands were acquired by the United States from Spain as a result of

our war with that country in 1898. Until 1917 its right of legislative self-government was limited, but in that year Congress passed a law which, for all practical purposes, placed the island on a political level with our two outlying and organized territories. Under the former system the lower branch of its Legislature was elected by the people of the island, but the upper branch was composed of a council appointed by the President. By an act of 1917 this council was transformed into a Senate, to be chosen by the people. The upper branch now consists of nineteen members, elected for four years, and the lower of thirty-nine members, elected for two years. They meet in February of every odd year at the capitol, San Juan.

The new act further provides that all citizens of Porto Rico "shall be deemed, and held to be citizens of the United States." Under the law all citizens of Porto Rico who can read and write are qualified to vote, but the Legislature is permitted to add such other qualifications as it may consider wise (barring a property qualification) though such electoral laws would be subject to approval by Congress. For the purposes of legislative representation the island is divided into thirty-five districts, each of which is entitled to a member of the



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IN PORTO RICO

A Fourth of July scene in San Juan, the capital city. The San Juan Home Guard on parade.

lower branch. The other four members of this branch are elected by the people on a general ticket. These thirty-five districts are divided into seven Senatorial districts, that is, into a group of five "contiguous and compact" districts, and each of the larger districts thus created is entitled to two Senators. This accounts for fourteen members of the Porto Rico Senate, and the other five are Senators-at-large, chosen by all the voters of the island.

Aside from the appointive government, Porto Rico is provided with a rather elaborate executive organization, consisting of a department of justice, headed by an attorney general; a finance department, headed by a treasurer; and departments of education, of the interior, of agricultural and of health, all headed by commissioners. Of the department chiefs, the Attorney General and the commissioner of education are appointed by the President and the other four by the Governor of the island. The six form an executive council to the Governor. The Governor has the right of vetoing laws passed by the Legislature, and if a bill is repassed by a two-thirds vote in spite of his disapproval, it must be transmitted to the President at Washington, and his disposition of the matter is final.

Porto Rico has an excellent judicial organization, with a Supreme Court comprising one Chief Justice and five associates appointed by the President, supplemented by a system of territorial district and local courts created by the Legislature and presided over by judges appointed by the Governor. The island also has a Federal District judge. In the administration of Federal, as distinct from local, justice, it constitutes a single Federal district; while Alaska is divided into three such districts, and Hawaii into two, with a corresponding number of

Federal District judges. For Porto Rico, appeals from the Federal District court are made to the First Circuit Court of Appeals in the United States. Alaskan and Hawaiian appeals go to the Ninth Circuit Court.

Porto Rico's representative in Congress is called a Resident Commissioner, and the same title is applied to the two representatives in Congress of our greatest insular dependency, the Philippines.



OUR PHILIPPINE LAWMAKERS

The first native Philippine Assembly under American auspices, organized in 1907.

6. The Philippines.—The government of the Philippines has presented a far more complex problem than that of the three outlying possessions already named. This archipelago, acquired from Spain with Porto Rico in 1898, embraces more than three thousand islands and islets, of which some fifteen hundred are unidentified by any name. The inhabitants, chiefly of the Malay race, include some twenty-five different tribes, speaking at least nineteen different dialects, and made up of Christians and Mohammedans, with a wild remnant of idol wor-

shippers. Of the civilized tribes, the Visayans are the most numerous, constituting nearly half of that element; and Luzon, with 40,000 square miles, is the largest of the islands, as well as the foremost in civilization and political importance.

For four years after the Philippines had passed under American control, the affairs of the archipelago were under military direction, with an American Governor in charge; but in 1902 a civil government was established throughout the greater part of the islands. It was administered by a Civil Governor (afterwards named Governor-General) and seven Commissioners, of whom three were native Filipinos, with headquarters at the capital, Manila. With occasional changes of no special moment, the islands were thus governed until 1907. Congress then enacted a law creating an Assembly of elective members, to constitute a legislative body, with the Philippine commissioners appointed by the President, whose number was increased to nine, serving as an upper branch, or provisional Senate.

This plan worked so well in its effect upon the people and in its assurance of order and popular contentment that in August, 1916, Congress enacted the law now in force, which enlarged the political rights of the Filipinos by giving them an elective Senate. When this law was passed a determined effort was made to incorporate in it a promise that after a lapse of two years (with an extension of two more years in the discretion of the President) absolute independence should be granted to the Philippines; and a proviso to that effect was adopted by the Senate. But the House of Representatives rejected it, and the upshot was a compromise preamble to the act in which independence was promised to the Philippines when they had fully demonstrated the capacity to

maintain a stable government of their own. By the law of 1916 non-Christian tribes of the archipelago were allowed legislative representation for the first time.

In the main, the executive, legislative and judicial administration of the islands corresponds with that of our other major possessions. The President appoints the Governor-General and the Supreme Court, while the Governor names the lesser judges. There is, however, no Federal District judge in this far distant dependency. The Philippine Supreme Court is the last judicial resort, save in exceptional cases involving large sums of money or constitutional or treaty rights; and in these, appeals can be taken to the United States Supreme Court. One other distinction must be noted. The exercise of local powers is more widely distributed, from the necessities of the situation, than in Alaska, Hawaii and Porto Rico. The island is divided into provinces for this purpose, and each is furnished with a local government; while the districts peopled largely by Mohammedan and other non-Christian tribes are under the administrative control of a Bureau of Non-Christian tribes.

7. **Our Lesser Dependencies.**—The minor dependencies of the United States call for only brief attention. The nearest to us is the Panama Canal Zone, the strip of land ten miles wide penetrated through its whole length



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A PHILIPPINE BASEBALL TEAM

These lads belong to a tribe that was savage before the American occupation of the islands in 1898. They have caught the spirit of our national game—a pretty good sign that they will quickly fall into American ways.

by the Panama Canal and having a total area, land and water, of 441 square miles. It was acquired by treaty from the Republic of Panama in 1904, to serve as a territorial basis for the administration of the affairs of the Canal. It is now under the direction of a civil Governor appointed by the President.

The island of Guam was ceded to us by the Spanish treaty of 1898. Its chief utility is that of naval station,



THE PANAMA CANAL

The United States battleship Kansas passing through the Middle East Chamber of the Gatun locks.

and its territory, embracing about 225 square miles, is governed by the Navy department, through an officer named by the President. It has some official interest for the Department of Agriculture, which maintains an experiment station there.

Among our distant dependencies is the diminutive Wake island, which lies in the ocean route from Honolulu to Hong Kong. The American flag also flies over a scattered cluster of small islands in the Pacific, and among them may be named the Christmas, Gallego, Starbuck, Penrhyn, Phoenix, Palmyra, Howland, Baker, John-

ston, Gardner, Morell, Marcus and Midway islands, the last named occupied by a colony of telegraphers.

In the remote Samoan group we have an island called Tutuila, which boasts the finest island harbor in the South Pacific—Pago-Pago. Tutuila, with five insignificant islets, became a possession of the United States in 1899 by the terms of a treaty between our government, Great Britain and Germany.

The latest dependency acquired by the United States is the Virgin Islands, of the Danish West Indies—St. Croix, St. Thomas and St. John—purchased from Denmark in 1916 for \$25,000,000. Their total population is something over 26,000, and their administration is in the hands of officials appointed from Washington.

8. Our National Protégés.—It should be added that our government exercises a protectorate over Haiti and the Dominican Republic, under a treaty agreement by which it collects the import duties of the two countries, applies the proceeds to the payment of their foreign debts and exercises other protective supervisions over their affairs. This arrangement secures them from molestation by any foreign nation.

The United States maintains close relations with the Republic of Cuba, whose independence it was instrumental in obtaining. The Cuban constitution gives us the right of intervention in the island for the restoration of order if the necessity arises. This right was established by an amendment to our treaty with Cuba after the Spanish-American war.

Our government exercises a similar benevolent supervision over the Republic of Panama, which we have engaged by treaty to defend from foreign aggression. These two countries may therefore be included among our national protégés in the western hemisphere.

QUESTION GUIDE TO CHAPTER XII

1. Of what were the original territories of the United States composed? What is the difference between the States and the territories? When were the last of our territories on this continent admitted to the Union.

2. Tell something about the District of Columbia. How and by whom is the National Capital now governed? Can Washington residents vote in national elections?

3. When and how did the United States acquire Alaska? What famous American had much to do with its purchase, and what was the price? How was it originally governed? What event greatly increased its importance? When was it organized as a territory of the United States?

4. When was Hawaii annexed to the United States? Who appoints the Governor of Hawaii as well as of Alaska? How many Senators and Representatives sit in the Hawaiian Legislature? How are the principal judges appointed in both Hawaii and Alaska?

5. When and for what reason did Porto Rico pass under the control of the United States? What important change in its government took place in 1917? How were the citizens of the island affected by the act of 1917? Into how many legislative districts is Porto Rico now divided? What is the number of its Senators and of its Representatives? Name its executive departments. Which of the department heads are appointed by the President? How is the executive council made up? What is Porto Rico's representative in Congress called? What other American dependency has representatives in Congress bearing the same title?

6. What conditions have made the government of the Philippines exceptionally difficult? Mention some facts relating to the islands. Which is the largest and most important island? When were the Philippine commissioners first named? When did Congress concede to the Filipinos a one-branch Legislature? When was the law passed giving the Filipinos a Legislature of two branches? What promise accompanied the enactment of this law? How do the Philippines differ from our other large dependencies as regards the administration of Federal justice? How are the Philippines further distinguished in the matter of local government?

7. Tell something about our lesser foreign dependencies, beginning with the Canal Zone. When did we acquire the Danish West Indies, and what were the terms?

8. Over what small nations do we exercise a protectorate, and what is its nature? What is the relation of the United States to Cuba and the Republic of Panama?

PART III
THE STATE



HOSEA DICK.

THE STATE CAPITOL, ST. PAUL, MINN.

CHAPTER XIII

THE GOVERNMENT OF THE STATES

The powers delegated by the Constitution to the Federal government are few and defined. Those which remain in the States are numerous and indefinite.—JAMES MADISON.

1. **Powers Denied to the States.**—In the United States there are forty-eight different kinds of State government. No two State systems of government are alike, because each State has adopted its own system, independent of the others, by virtue of the power reserved to it by the Constitution.

Certain powers are denied to the States by the Constitution. A reading of that document shows what these forbidden powers are.

No State is permitted to negotiate a treaty or form an alliance with a foreign country.

No State may coin money, make anything but gold or silver a legal tender for the payment of debts, or pass any law impairing the obligation of contracts.

No State may, without the consent of Congress, collect any duties on imports or exports at its ports, except in the shape of fees to meet the cost of its inspection and quarantine laws and the like. Even if Congress should authorize a State to levy such duties, the net proceeds would have to go to the United States Treasury.

No State is allowed, without the consent of Congress, to keep a standing army or maintain a navy in time of

peace, or to engage in war on its own account unless it is actually invaded under conditions that call for immediate defense.

No State may make or enforce any law which will abridge the privileges of citizens of the United States, or deprive any person within its boundaries of life, liberty or property without due process of law.

These are but a few of the powers withheld from the States by the Constitution, and with regard to all the powers so withheld the States are absolutely subject to the authority of the national government.

2. Powers Vested in the States.—But when we check off the powers and rights withheld from the States by the Constitution, it will be found that many of grave importance to the people are still vested in the State governments. The State can determine by law what citizens within its jurisdiction are entitled to vote, subject to certain restrictions named in the Constitution itself. In this regard each State has great latitude. It is a very important one, because the voters of a State can and do determine its kind and method of government.

The States have full power to organize not only their own governments, according to the will of their people, but to provide governments for their political subdivisions, such as counties, cities, towns and villages, the only condition being that such governments shall be republican in form, using that term in its broader sense.

Again, the States can decide how their necessary revenue shall be raised by taxation or by bond issues for the support of their several governments.

But the power of the State which affects its people most vitally is what is commonly known as its police power. It is this power of the State which enables it to adopt all necessary measures to protect, or to authorize

its various local communities to protect, the lives, the health, and the property of its inhabitants, to preserve the peace, to promote the general welfare, and, of course, to prevent and punish crime.

Another field of opportunity and service is reserved to the State in its control of education. While the schools



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A FAMOUS SENATE CHAMBER

The interior of the State Capitol at Albany—noted for its artistic magnificence and great cost. The above represents a section of the chamber where the State Senate meets.

are local, the State directs their general policy of administration and is the real master of the system.

The State, also, creates and licenses the various corporations which do business within its borders, and as a rule it vigilantly supervises or regulates the operations of the companies organized to serve the people—the so-called public-service corporations, such as railway, light and telephone companies.

Finally, it provides, through its own courts, for the administration of justice in the multitude of civil and criminal actions arising under State law.

3. The State Legislatures.—While the governing systems of the States differ in many important details, all of them have certain uniform features. In each the Legislature is composed of two branches, and in each a Governor is the chief executive. The Legislature, like Congress, is divided into two branches, the lower one being the larger. The upper branch differs substantially from the Senate at Washington. One object in creating the Federal Senate was to give all the States, regardless of their populations, equal representation in one of the branches of Congress. No such necessity confronted the States in constituting their respective Legislatures. Apart from this distinction between the two legislative systems, the States have acted on the same principle as the Federal government, namely, of establishing two legislative chambers, one of which, the upper branch, has a limited membership and represents large districts.

As a result, we find that the legislative branch which corresponds to the Senate at Washington and which is, in fact, called the Senate in practically all of the States, ranges from less than twenty to more than sixty members in the various States; while the lower branch runs from nearly forty to more than four hundred members. On the average, the lower branches of the State Legislatures contain from two to three times as many members as the upper. On account of its smaller membership and the larger constituency back of it, a seat in the State Senate carries more dignity than one in the lower branch. To emphasize this distinction, a majority of the States elect their members of the State Senate for longer

terms than are allowed to the popular representatives, or members of the lower house. In other States, however, the terms of the two classes of lawmakers are the same.

No doubt, the original idea back of this system of unequal legislative wings was to make the State Senate a conservative influence. But this object has been realized in practice to only a limited extent. This is because there is no such difference in the representation within the various States, in the terms of the two classes of legislators and the parliamentary rules governing the separate branches of the State Legislatures, as is seen in the election, service and processes of the two branches of the national body. In all the States the two legislative branches must join in the passage of bills as in Congress.

4. The Legislative Districts.—The members of each State Legislature are elected from districts outlined by the Legislature itself. In most of the States the unit in the districting of the State is the county, the only exceptions to this rule being in New England, where the town is the basis of representation. The State Senate districts are composed of large counties or groups of smaller counties, except in such instances as in New York and Kings counties within the metropolis, where the counties are so populous that they must be divided into a number of Senate districts. The members of the lower branch in each State are elected from smaller districts, but here, too, the county boundaries are respected.

The theory behind the districting of States for the election of Senators and members of the lower branch is that the division of the population in all the districts of each class shall be nearly equal. But, as in the case of Congress districts, it is impossible to attain this object

in practice, because the county boundaries, which cannot be changed, must be taken into consideration. As a matter of fact, the State legislative districts vary much more in population than the Congress districts, owing to the requirement in many States that even the smallest counties are entitled to separate representation in the lower branch of the Legislature. In New York State, for example, some of the more populous districts cast a vote for members of the lower branch of the Legislature from four to five times as large as the smallest districts.

5. The State Executives.—The Governor of each State is elected directly by the people, and exercises the chief executive power. Originally this authority was limited in various ways, but the steady tendency has been to make him independent of the Legislature, and in his smaller field his power is now in many respects similar to that of the President. The power of appointment is lodged with him, as is also, in many cases, the pardoning power, though this latter function is intrusted in some States to commissions or councils, of which the Governor may or may not be a member. He exercises the power of veto, and in most States he is at liberty to use it in striking what he considers objectionable items from appropriation bills. He can call special sessions of the Legislature and address that body from time to time on subjects which, in his judgment, demand consideration.

6. Terms of Service and Compensation.—The terms of the Governors of the several States vary from one year to four years. Massachusetts is the sole State which gives its Governor a one-year term. New Jersey elects its Governor for three years. The other forty-six States are almost evenly divided in their preferences as between a four-year and a two-year term. The great majority

of the States hold their elections for Governor in even numbered years. In forty-one of the States the Legislatures hold biennial sessions. That is to say, they are required by the Constitution to meet in regular session every second year. Six of the States have annual legislative sessions, among them New York, in which every movement for a change to biennial sessions has been successfully resisted. Alabama has the distinction of maintaining a Legislature which meets in regular session one year in every four.

It should be noted that a number of the States limit the length of their legislative sessions. This amounts to a command that the Legislature shall finish its business within a specified period, say, sixty days. Only in States where the legislators are paid by the day does this rule apply, the condition being that their compensation shall cease after the time limit for the session has expired. The pay of legislators ranges, in the several States, from \$3 a day, the rate allowed by Kansas and Oregon, to \$10 a day, the Nebraska, Kentucky and Montana stipend. Where annual salaries are allowed, the pay is from \$200 per year or per session, the New Hampshire salary, to \$3,500, granted by Illinois.

In the States where the regular legislative session occurs every two years, any need of emergency legislation can be met by a special session summoned by the Governor; but except in cases of great urgency, the Governors are disinclined to call the Legislatures together in the "off" years on account of the expense. Familiar instances of departure from the biennial rule were seen in 1920 when the Governors of several States called upon the Legislatures to meet in special sessions, to act upon the Nineteenth, or Woman Suffrage, amendment to the Constitution.

7. State Constitutions.—Each State has its own constitution, or organic law. The State is at liberty to frame its constitution as it pleases, provided the republican form of government is maintained and the State constitution includes no provision which conflicts with the mandates of the Federal Constitution.

In most of the States the constitutions are frequently amended, and in all of them there is some provision for amendment or revision. In thirty-six States express constitutional provision is made for the assembling of conventions to amend the constitution, and in a majority of States the calling of such a convention depends upon a preliminary vote of the people to that effect. In New York, for example, the Legislature is empowered to order an election at any time to decide whether a convention shall be called to revise the constitution. If the vote is an affirmative one, the people choose the delegates to the convention at the next general election and the convention itself meets in the April following. The new or revised constitution framed by the convention is next submitted to the voters, who either adopt or reject it. This rule of procedure is substantially that followed in most of the States.

The last State constitution framed in New York was rejected by the people. This case was, however, exceptional. It is stated on good authority that fully nine-tenths of the general revisions of constitutions submitted to the people for approval in all the States have been accepted by a majority of the voters expressing a choice. This record speaks well for the success of such conventions in answering public demands.

Where one or more special amendments to the constitution are proposed, the Legislature is usually empowered to submit them directly to the people. In twelve

States there are no constitutional provisions in force for the calling of constitutional conventions. In such instances, the Legislature uses its discretion in starting the machinery for revisions of the constitutions. Only in nineteen States is it required by the constitution itself that a general constitutional revision must be submitted to the people. In the majority of the States, the action of the convention is final, and in this class it often happens that the Legislature expressly orders that it shall not be necessary for the people to act upon the revised constitution. The disposition of the States to alter their constitutions varies greatly. It has been more marked, as a rule, in the Western than in the Eastern States.

STATE JUSTICE AND PUBLIC WELFARE

8. State Courts and Judges.—The importance of the judicial branches of the State governments can be appreciated when one reflects that by far the most of the civil actions and criminal proceedings brought in each State are of necessity tried before State magistrates and under State laws.

The judicial business transacted before the Federal courts is small in the mass compared with that which engages the attention of the State courts. There are many villages in the United States in which an offense against the laws of the United States is never or rarely known; but all villages are familiar with trials for various offenses or minor suits at law conducted before their local courts. Every American community maintains a court of some description to deal with violations of local or State laws. The lowest in rank of the United States courts, on the other hand, serve large districts. For this reason the administration of State justice is more familiar to the great majority of American citi-

zens than that of Federal justice. It is under the authority of the State that ordinary breaches of the law are punished, and the legal complaints, grievances and claims of the people are heard and settled by the courts.

In every State the judicial system ranges from humble neighborhood courts to dignified courts of last resort, and we find comparatively little difference in the principles and methods of the State judiciaries, however their

titles may vary. In comparing the State with the Federal courts two important distinctions must, however, be emphasized. As we have already seen, all of the regular Federal judges, from the Supreme Court down to the district benches, are appointed by the President and hold office for life—that is to say, during good behavior.



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A SEAT OF STATE JUSTICE

View of the imposing court house at
Hackensack, N. J.

In the great majority of States, however, the judges are elected by the people and for limited terms.

As a rule the judges are chosen in the States for much longer terms than are the executive and legislative officers. The object is to make them more independent of popular influence than the ordinary public servants, and in this respect the Federal principle is at least partly imitated by the States. In a few of the States the judges are elected for comparatively short terms, but the general practice lies in the other direction. Only in six States are the judges of the highest courts appointed by the Governor, and only in four are they chosen by the Legislature; so that the system of an elective judiciary of the

highest rank is maintained by no less than thirty-eight of the States. In the length of judicial service the variation runs from the extreme of a life term, which is favored by Massachusetts, New Jersey and Rhode Island, down to the two years term of Vermont. In the great majority of States the terms range from six years to twenty-one. Generally speaking, leading judges of the State courts are better compensated than the ordinary civil servants of the highest grade.

9. Administration of State Justice.—The standard judicial system in the States calls for a court of last resort, variously known as the Court of Appeals, the Supreme Court and by other titles; for intermediate appellate courts, whose judgment is final in many cases of lesser magnitude; for trial courts, representing fairly large districts; for city and county courts, and finally for village or town courts, presided over by justices of the peace. The trial courts mentioned here transact the bulk of the important judicial business of each State, and their jurisdiction covers the more serious



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WHERE A STATE COURT SITS

The Chamber of the New York Court of Appeals at Albany.

crimes, including murder, and civil actions involving large sums. Aside from these general classes, the States maintain probate or Surrogates' courts to see that the wills of deceased persons are properly carried out.

The decisions of the highest courts of each State in matters of grave moment are nearly always final, and they can be appealed from to the United States Supreme Court only in matters involving constitutional principles and the relations of the States to the Federal government.

Aside from the courts, each State is provided with the necessary official machinery for the prosecution of crime. All the counties have their prosecuting attorneys, who safeguard the interests of the people in criminal cases precisely as the attorney for the defense takes care of the interests of the prisoner at the bar. There are, moreover, separate local officers intrusted with such duties as the summoning of juries and other services incidental to administration of justice.

In all criminal proceedings, the first reliance of the States and the Federal government alike is the Grand Jury. It is this body that indicts, or accuses. The proceedings before it are secret.

In each State the Grand Jury is subject to the instructions and general supervision of the court, but the official who directs its inquiries is the District Attorney, or public prosecutor. It is the function of the Grand Jury to listen to the evidence against an accused person and to determine whether it is sufficient to warrant an indictment. If an indictment is brought, the next step is the arrest of the accused person and his arraignment before the court. If he pleads guilty, sentence is imposed and the case ended. If not, his trial follows in due time before a judge and petit jury. The whole course of justice at the regular trial is strikingly different from that which marked the Grand Jury formalities. The proceedings are now public; and the petit jury, unlike the Grand Jury, hears the evidence both against and for the defendant.

10. The Defense of the State.—Every State has its own military organization, which carries the time-honored title of militia, and the Governor is its commander-in-chief, though it is equipped with State military officers appointed by him and subject to his authority. The mission of the militia is to protect the State and its people from disturbances

and dangers too formidable to be dealt with by local police. Usually it is so employed by order of the Governor at the request of the executives of cities or other local authorities. The officers of the militia, as well as the privates, have no regular official pay.

It should be borne in mind that the militia is not

a professional body of fighters, but only a citizen soldiery, and it is therefore not affected by the provision of the Federal Constitution that no State shall maintain a standing army without the consent of Congress.

In addition to the militia, a few of the States, notably Pennsylvania and New York, maintain State police organizations.



Brown Bros.

ON A STATE HIGHWAY

Mounted State policemen halting a motor car. These men do duty in the rural sections of New York State, and they daily cover many miles of ground.



C. Tracy, Wyoming, Pa.

STATE POLICEMEN ON WHEELS

This is a motorcycle squad from the State Constabulary of Pennsylvania, the first regular organization of its kind.

Their function is the policing of the State and the protection of life and property, more particularly in sparsely settled sections which cannot be adequately covered by town constables.

11. Diversity of State Methods.—The State, like the Federal government, has its important departments of public service, and these are directed by official chiefs or commissions. The heads of these departments may be either elected by the people or appointed by the Governor, according to the different systems of State government in force.

In practically every State there is a Secretary of State, who has charge of what may be called its documentary work, such as the publication of new laws, the issuing of various kinds of licenses, the certifying of the charters of corporate and other associations, the announcement of election returns and the like.

The custody of the public funds is confided to State treasurers, and the accounting of expenditures to State auditors, but the State methods in vogue in these branches of the service greatly vary.

Each State has a legal officer or Attorney General whose duty it is to defend the State in legal actions wherein it is the defendant, to uphold the constitutionality of laws when it is challenged and to serve as prosecutor at times in cases of State import.

The public works and engineering operations of the States are all in charge of officers, or boards, under different systems.

12. Caring for the Public Welfare.—These various departments control the business proper of each State, but their official fields are far from measuring the extent and variety of its public service. While the cities assume responsibility for the public health and for the dispensing

of charity within their own limits, it is essential for the State to maintain systems and establishments for similar objects, especially to meet the wants of rural or semi-rural communities which lack facilities or organizations for the purpose.

For example, the authority of the State is necessary to enforce the sanitary codes framed to conform to the latest decrees of science. The health interests of States are confided to boards or single executives. Among its State charities, each State necessarily maintains hospitals for the insane and these are generally supplemented by State institutions for idiot children. The prisons and reformatories are included among the establishments under State control, and here the systems of management are far from uniform.

The license systems of the State cover not only permits for corporations, but also the examination of candidates for professional service (of whom physicians and lawyers are the most familiar types) and the official approval of their training and fitness. The followers of other occupations, whose work is related to the health and safety of citizens, are subjected to similar official requirements before receiving permission to enter upon their duties. Licenses, whether issued by the State or by the city, are of many kinds. In every case, a license is a written or printed document issued by the proper official or officials, giving permission to the holder to conduct some business or perform some service.

State commissions charged with the supervision of forestry, fisheries, mining and the like are common in all the States; while others are vested with large powers for the promotion of agriculture and the inspection of food. The organization and functions of many State commissions are determined by the special character of the

natural resources and chief industries of the several States, which vary immensely in our broad domain.

QUESTION GUIDE TO CHAPTER XIII

1. How many different kinds of State governments are there in the United States? Name some of the powers withheld by the Federal Constitution from the States.

2. Where is the power lodged regulating the right to vote? Why is this an important power? What minor divisions of government are controlled by the States? How is the revenue of States provided? What power do the States possess most vital to the people? Name some of the other State functions.

3. While the State systems of government differ, what special feature is common to all? Explain the range of membership in the various State Legislatures.

4. What is the basis of legislative representation in the States? Of what are the State Senate districts usually composed? Name exceptions to this rule. Mention one of the difficulties met in shaping the districts.

5. How is the Governor of each State elected? Tell something of his authority.

6. How do the terms of Governors vary? How many States favor the four-year term? How many State Legislatures are required to meet every other year? How do the legislative sessions differ in the States? How do the salaries vary? How is the need of emergency legislation met? Cite an example.

7. What must be kept in mind by all States when framing their constitutions? What common provision do the constitutions contain? What method is employed in many States in revising the constitution? Mention some of the processes.

8. Tell why the judicial branches of the State governments are of great importance. What is the volume of judicial business in the States, as compared with the Federal government? What important distinction must be noted between the Federal and State judiciaries? Why are judges usually chosen for longer terms than other officers of the State? What is the most approved method of selecting the State judges? How does the length of their terms vary?

9. What does the standard judicial system of each State call for? Which court handles the largest judicial business of the States? What crimes are within its scope? For what are probate or Sur-

rogates' courts created? When can the decisions of the highest State courts be appealed from? What county officials co-operate with the trial courts? In what famous body do prosecutions for crime originate? What is the Grand Jury's function? After an indictment is brought, what are the next steps taken? Before what jury are criminals tried?

10. What military organization exists in every State? Who is the commander-in-chief of the militia? What other protective bodies do some of the States maintain?

11. Name some of the business departments of the States, elective or appointive.

12. What are some of the public institutions conducted in the various States? For what activities or services are the States accustomed to issue licenses or certificates? Suggest the objects and functions of some of the State commissions.

TEST QUESTIONS AND HINTS

1. Who is the Governor of your State? How long is the term of office for which he is elected? What is his salary?

2. How often does your State Legislature assemble in regular session? Is the length of its session limited by law? How many members has the upper branch, or Senate, of your Legislature? How many has the lower branch? How often are the members of each body elected? Are they paid by the day, by the session or by the year? What is the pay of the members of each branch?

3. What other State officers besides the Governor are chosen by all the voters in your State elections?

4. Is the pardoning power in your State exercised by the Governor or by a pardoning board or commission?

5. Ascertain what provision is made in your State constitution for its amendment or general revision.

6. What is your highest State court called? How many judges are members of it? What is the length of their terms and how are they chosen? What are the principal trial judges in your neighborhood called—the judges who try important crimes or civil actions?

7. Name some of your most important State institutions, such as State prisons and hospitals for the insane. Are they in charge of commissions or of single executives?

8. Is there a commission or other official agency in your State for regulating public service corporations or for fixing their rates?

CHAPTER XIV

STATE REFORMS AND PROBLEMS

Popular government is organized self-control.—ELIHU ROOT.

1. Changing Old Methods.—In the late nineties there was much public discontent with old party methods, and it produced interesting results, particularly in the West and Southwest. Among the most notable of these results was the gradual adoption in the States of the system now known as "direct primary nominations" for office.

The old method of naming candidates was through the agency of conventions. The most common plans for electing delegates to these conventions in the State at large and in its districts, counties or cities were so designed that party voters had comparatively little to do with them. The State itself exercised only a loose control over them, and as a result many of the conventions passed under the control of party bosses. At the time referred to a revolt began, and steadily grew, against the powerful influence of the bosses in the several States. It was finally successful, in nearly the entire country, to the extent that the convention system of nominations was largely abandoned, and the voters assumed for themselves the duty of naming candidates for office at primary elections.

This movement was not aimed at the national conventions, for two reasons. One was that the national

convention was considered a body too numerous and too broadly representative to be subject to anything like arbitrary control by a single man or small group of men. The other was that no working substitute could be devised for a convention representing a great federation of States. At all events, there has never been a serious agitation for the abolition of the national convention, as a fair, representative and time-honored agency of choosing national candidates to be voted for through the Presidential Electors in all the States.

2. How the Old Plan Worked.—The primary system, as it is known in all the States today, is new only in the sense that it is direct. When the old nominating conventions were in fashion, the delegates, at least to the minor conventions, had to be chosen by the voters at primary elections. But these elections were ill regulated and to the comparatively few who attended them they meant little or nothing, as a rule. There were different conventions for the nomination of Mayors and other city officers, of county officers, of candidates for the Legislature, for Congress and for the bench; and there were also larger conventions for the nomination of State officers. In many States the convention systems consisted of wheels within wheels; and minor conventions chose the delegates to State conventions and also to Congress and judicial conventions, where several counties were represented in the nominating bodies.

At the loosely controlled primaries of those days the voter could not see very far ahead when he was called upon to assist in electing delegates to the minor conventions. His work was done when he voted his delegate ticket; and from that stage onward the machinery of naming candidates for public office was in the hands

of the party organizations, or, in most cases, of the bosses who controlled them. The natural consequence was that the party tickets, or lists of nominations for office, were made up by individual politicians or inner circles of politicians. In the great majority of cases there was little or no pretense of consulting party sentiment when these tasks were performed. In the case of State conventions, and especially in the nomination of candidates for the governorship, the party bosses or leaders very often exercised an autocratic power.

3. The Anti-Boss Revolt.—In the ten years following 1895 there were signs of a radical change. In some of the States, chiefly in the West, laws were passed for the direct nomination of local candidates at party primaries. But this was only the beginning of a reform that spread through the States. The next step was the abolition of the State convention, as a blow at the power of the bosses. Wisconsin and Oregon took the lead in establishing this reform on a large scale. In 1903-4 these States adopted laws for State-wide direct primaries—that is, for primaries at which all the candidates for office from Governor down to the most insignificant local offices were to be nominated directly by the people, on some date before the regular election day. The Oregon act contained a declaration setting forth that “the method of naming candidates for elective offices by political parties and voluntary political organizations is the best plan yet found for placing before the people the names of qualified and willing citizens from whom the electors may choose the officers of our government.” This statute not only introduced direct primaries for nominations for office, but provided for their strict regulation under State supervision. The direct primary was simply an application of the old method of election by

ballot to the nomination of party candidates to be voted for on election day.

4. The Reform Spreads.—In 1907-8 Wisconsin and Oregon were followed in the same direction by several other States. Oklahoma took a step in advance of all of them by coming into the Union in 1907 with a State constitution making it obligatory for the Legislature to establish a system of State-controlled direct primaries. Finally the system obtained a foothold in nearly all the States, with the result that the nominating convention almost entirely disappeared as an American institution within State boundaries.

In relation to the direct primary reform, it should be observed that in the one-sided States, the States in which one party enjoys an ascendancy rarely if ever disturbed, the party primaries are often more actively contested and excite more interest than the regular elections. This is particularly true in the sure Democratic States of the South, where nominations for Governor, Senator and other high officers at the primaries are usually equivalent to election. Some of the States have retained a sort of compromise convention for recommending (not nominating) candidates. New York was one of these States. But in New York a law was passed in 1921 restoring the nominating convention for State and certain judicial officers.

5. Safeguarding the Primaries.—In holding primaries it is deemed necessary in most cases to provide some guaranty that the voters are what they profess to be, members of the party holding the primary. In most States it is considered unreasonable and unwise to permit opposition voters to have anything to do with the primary nominations of a given party. To meet this difficulty voters are usually required to attach themselves to their

party by enrollment. It follows in such instances that if a man is unwilling to enroll with some party he must forfeit the right to vote at the primaries.

6. Effects of the New System.—As stated, the chief object of the direct primaries was to diminish the power of the bosses by abolishing the nominating convention. The theory was that it would be much more difficult for the boss to influence the action of the masses of a party at the primaries than it had been for him to control the comparatively small convention. But while the nominating convention has gone, party bosses survive in most States, though one source of their power has been taken away. Not a few observers insist that the party committees, and therefore the bosses, now influence primary decisions as much as they formerly influenced the actions of conventions.

However that may be, there is at least this difference: that the voters render their decisions on primary day with the names of all the candidates before them, and that they have the opportunity to reject unworthy or unacceptable candidates recommended by the committee or boss, and to favor more deserving candidates. As it was under the old regime, the nominations were often kept dark until the conventions had made their choice, and the dissatisfied party voter had no remedy except a vote on election day against the candidate or candidates whom he found distasteful. In a number of States, moreover, nominations for office can be made by petition after the primaries, and this system opens up an additional opportunity to discontented voters.

7. Suggested Drawbacks.—Opposition is often expressed to the new method of nominating candidates. It is charged that it gives an advantage to the wealthy candidate for State office, owing to the heavy expense

of a primary canvass; that under the convention system the deserving candidate with limited means had a better chance. It is also pointed out that where several candidates enter the race for the same office in a party primary it happens frequently that the leading candidate, chosen by a plurality vote, is far from popular with an actual majority of the party. But in spite of these and other objections, the direct-primary reform has made wonderful headway in the States.

8. The Initiative and Referendum.—In about one-quarter of the States, largely confined to the West, the direct primary reform has been supplemented by another system calling for a more active participation of the people in public affairs. It is known as the initiative and referendum. It is a plan whereby the voters may be permitted to take part in legislation.

The initiative consists of a movement by a certain number of voters, who sign their names to petitions, to submit to the State Legislature certain questions for action. In these cases the petitioners ask that a law or several laws named by them shall be passed by the Legislature. The number of petitioners required varies, but it is never more than a comparatively small fraction of the entire vote.

The referendum is a process for submitting laws passed by a State Legislature for approval or rejection by the voters, as the case may be. In principle the referendum is not new, for this mode of putting State constitutions in force has been long in operation. It is new, or comparatively so, only as applied to obtain popular judgment on ordinary laws. It has long been the occasional practice of States to submit to the people questions of unusual importance, and the referendum is only a form of this custom, extended to include minor

subjects. Judging by the vote generally cast in such referendums, it cannot be said that the voters take a deep interest, as a rule, in the questions thus proposed.

9. The Recall.—The recall is a political device for enabling voters to pass judgment on the records of elective officers before their terms of service have expired. The idea underlying it is that voters should have the power to retire executive or legislative officials from office whenever they lose confidence in them. Relatively few States have put this system in force. Under its operation, a certain number of voters in a State or lesser community may decide that an official is unworthy or incompetent and may sign a petition and protest to that effect. He must then resign his office or submit his cause to the voters at an election, as against one or more opponents, precisely as if he were a candidate for office for the first time. The election of course decides whether he shall remain in office or retire. This right of recall is rarely used in the States in which it is authorized by law.

10. Curbing Corporations and Monopolies.—The crusade in the States to curb the power of the bosses coincided with a lively, widespread uprising against the trusts and other corporations. It had become formidable when Theodore Roosevelt succeeded to the Presidency in 1901, and it was stimulated by his own anti-trust policy and activities in the Federal sphere. His example was followed by leading reformers in the States. The story is a long one, and it is enough to say that the practical result is a stricter regulation, in virtually all the States, of corporations chartered to perform various kinds of public service within their boundaries, such as transportation, lighting, the supply of electric power and telegraphic and telephonic communication.

In many of the States this newly asserted power includes a control of the rates charged for corporation service, through the agency of commissions especially created for that purpose.

STATE PROBLEMS

11. Workingmen's Compensation Systems.—The interests of agriculture and of labor are well protected by the States. Their promotion of agriculture usually takes the shape of schools for scientific farming and, in most



Brown Bros.

FACTORY FIRE DRILL

An evidence of State interest in the safety of factory operatives. In many States the laws for protecting industrial workers from fire and disease are very strict.

of the large food-producing States, of State expositions. The war and its food necessities gave a fresh impetus to State patronage of agriculture.

With regard to labor, State progress has been most evident in the passage of acts insuring compensation to injured workmen engaged in hazardous employments, and to their families in the case of fatal accidents. At

the beginning of 1921, all but a few States maintained systems for workmen's compensation, as it is called. A common feature of these systems is that they require employers to take out insurance to cover compensation to their workmen for injuries, medical attendance and death benefits.

The relations of capital and labor are further recognized in most of the States by the maintenance of arbi-



A FACTORY INTERIOR

This illustration, furnished by the New York Department of Labor, Bureau of Industrial Hygiene, shows an unobstructed wide aisle leading to an exit. Note clean condition of floor, installed sprinkler system, artificial lights, protected to prevent glare. The walls and ceilings are painted white and thus constitute a good reflective surface affording uniform illumination throughout the shop.

tration commissions of one kind or another to settle industrial disputes and, if possible, to prevent strikes.

Great progress has been made in recent years in the State systems of factory protection against fire and other dangers to which workers may be exposed.

The interest of the States in the industrial classes has taken another benevolent turn in their codes of laws relating to child labor and the labor of women. In the

case of children the best of these laws have provided stringent safeguards against the employment of children below a certain age or under conditions unfavorable to health and growth. Indeed, it may be said that the current of public opinion in the States has been running strongly in favor of more carefully regulated systems of child labor. The same philanthropic impulse is seen in the multiplication of laws reducing the hours of labor for women. Some of the States have gone a step further and enacted minimum-wage laws for women, or laws prescribing rates of wages below which employers cannot legally go in fixing the compensation of women workers.

12. Civil Service in the States.—The reform of the Civil Service by the introduction of the merit system has not made as rapid headway in the States as under the Federal government. The first elaborate National Civil Service law, known as the Pendleton act, was passed in 1883. A few months afterwards the Legislature of New York adopted a State Civil Service law and among its most zealous supporters were Governor Cleveland and Theodore Roosevelt, who was then serving in the New York Assembly. In the following year, 1884, Massachusetts placed a Civil Service law on her statute books, but more than twenty years elapsed before any other State followed suit. Wisconsin adopted such a law in 1905, Colorado in 1907, New Jersey in 1908, Connecticut in 1911, Ohio and California in 1912, and Kansas in 1915. Other States have been gradually added to the list. What is more, the reform has been introduced into many cities by special laws, forming parts of their municipal charters.

13. Prison Reform.—Virtually all the States have made gratifying progress, especially since the beginning

of the twentieth century in dealing with persons imprisoned for crime. The general tendency in this respect has been to treat the convict in such a way as to encourage him to lead a better life after his release from confinement. It has been felt by leading prison reformers that the main object of imprisonment, which is to punish wrong-doers and to warn others, can be accomplished without degrading them unnecessarily and thus robbing them of their remaining self-respect and perhaps stifling their inclination to reform. With this wise theory in mind, progressive States have changed their prison systems by doing away with the old striped uniform for convicts, by making their surroundings more sanitary and livable, by permitting them to form "prison welfare" associations with officers chosen by themselves, and by holding these associations responsible for the enforcement of the prison rules. Under this new and better plan, the general aim is to put the inmates "on their honor" and to quicken whatever desire they may have for moral and mental improvement.

As a further influence to the same end, the courts in a number of the States now give indeterminate sentences, as they are called, to persons convicted for the first time. Such a sentence is for a varying term, as, for example, for from two to five years. If the prisoner is well behaved, in such cases, he is released on parole when the minimum, or lesser, period of two years has expired. That ends his punishment if he leads a decent life. But if he breaks his parole by any lawless act he is returned to prison, where he must serve out the maximum, or longer, sentence.

The more advanced States have also made good headway in separating, by confining in different institutions, offenders of different types. In pursuance of this policy,

every State has its reformatories for youthful law-breakers of both sexes. In such cases the main object of confinement is to remove the inmates from evil influences and associations in their home localities, without exposing them to contact with hardened convicts.

For less guilty offenders of this youthful class juvenile courts and systems of probation are established in the cities by State laws. By this means many wayward boys and girls are saved from moral danger. The culprits are brought before judges who are experienced in this class of cases. If they are guilty of some serious offense they are taken under the protection of the court and released on probation. Under this system they are obliged to report from time to time to the judge, and they are also kept under observation by probation officers whose duty it is to see that their conduct is in line with their good promises. Many of these children are only truants from school. In all such cases the probation officers take particular pains to encourage the children to attend school faithfully. Where the children are above school age efforts are made to find employment for them. The whole object of the juvenile courts and probation system is to correct erring boys and girls and direct them in the right path.

14. State Taxation.—In American cities the principle source of revenue for public purposes is taxation on real estate—on all buildings and on vacant grounds. Many of the States also derive a part of their revenue from real estate taxation. But the States chiefly rely upon what are known as indirect taxes, because they are not levied directly or generally. These taxes are rather made to fall upon special classes or interests. Good examples of them are taxes on corporations, on railroad and street railway franchises, on the sale of securities

like shares of stock, and on the estates of deceased persons. This last named tax, or tax upon inheritances, is so levied that small estates left to widows and children pay little or nothing to the State. In the case of larger

inheritances the tax rate is increased by many States according to the size of the inheritance, and such relatives as cousins or nephews, who may receive bequests, have to pay a larger tax, in proportion, than direct heirs.

Since the World War, which imposed fresh burdens upon all the States, as well as upon the Federal government, the problem of State taxation has increased in gravity. In about the same period a number of the States have been obliged to find new sources of revenue to make up for their loss of



Underwood & Underwood.

THE CENTER OF POPULATION

By the Federal Census of 1920 it was shown that the center of population of the United States is located on a farm eight miles west of Whitehall, Indiana.

income through the abolition of the liquor traffic by the Eighteenth amendment to the Federal Constitution. In such States the traffic was formerly licensed under excise systems, which yielded considerable revenue. Various substitutes for the excise tax have now been provided, and one of the most common is a State tax on personal incomes similar to that levied by the United States government, but calling for a smaller tax rate. In some States, therefore, the residents pay two income taxes.

QUESTION GUIDE TO CHAPTER XIV

1. Tell something about the origin of the movement for "direct primary nominations."

2. What kind of primaries was in force in the old convention days? Did the voters exercise much power at that time? What class of delegates to conventions were they allowed to select? Who controlled the machinery of the more important conventions? Were the bosses accustomed to consult party sentiment? What was the authority of the boss, as a rule, over State conventions?

3. How did the people first attempt to lessen the power of the bosses? What were the first States to adopt the direct primary for State nominations? What was the State-wide direct primary as indicated by the Wisconsin and Oregon systems?

4. Describe the progress of the reform. In what class of States does the primary excite more interest than the general election? In what modified form does a species of State convention still survive?

5. How were the primaries safeguarded under the new system? Why were such precautions considered necessary?

6. How would you describe the chief object of the direct primary reform? Did it succeed in eliminating the party boss? If not, in what respect did the party voters gain an advantage from it? What opportunity is open to voters in many States if they are dissatisfied with party nominations?

7. Name some of the objections that have been offered to the direct primary. Have these weakened the reform in the public favor?

8. What is the initiative? In about how many States is it in force? How is it generally put in operation? What is the nature of the referendum? Is the principle back of it a new one? If not, in what respect may it be called a novelty? Is the popular interest in legislative referendums usually very marked?

9. What is the recall? Does it prevail in many States? What is the process generally followed in requiring officials to submit to the recall? Is the right of recall frequently exercised by the voters?

10. What other movement occurred at about the time the direct primary reform for curbing the power of the bosses engaged the public attention? Who became a conspicuous leader of it in the national field? What practical fruit did it bear in State legislation? What effect has the new system on rate regulation?

11. By what system have nearly all the States protected the interests of labor? What is the purpose of the various Workingmen's Compensation acts? What official provision for adjusting labor disputes is in force in many States?

12. What was the first State to adopt Civil Service Reform? To what extent has it been established in the States and cities?

13. What change has taken place in the States regarding prison methods and management? How has the effect of it been seen in the treatment of convicts? How does the indeterminate sentence work? Tell something about State reformatories, juvenile courts and the probation system.

14. Upon what kind of taxation do the States generally rely for their revenue? Give examples of indirect taxation. How are inheritance taxes usually levied? What source of revenue has been lost to a number of States, and what new tax have some of the States adopted in its place?

TEST QUESTIONS AND HINTS

1. Are all the elective officers of your State, or a part of them, nominated by direct primaries?

2. If the nominating convention still exists in your State, what candidates are named by this system?

3. Are the initiative and referendum employed in your State?

4. Do the laws of your State provide for the recall of public officers by means of petitions demanding a new election?

CHAPTER XV

VOTING QUALIFICATIONS AND METHODS

*The freeman casting with unpurchased hand
The vote that shakes the turrets of the land.*

—OLIVER WENDELL HOLMES.

1. **Early Voting Restrictions.**—The voting privilege is as old as the Republic itself, but the system of manhood and womanhood suffrage as it now exists is the result of many changes and improvements and presents a striking contrast with the original voting qualifications and methods. The word "democracy" means "government by the people," but the American democracy of the time of Washington and Jefferson, so far as voting rights were concerned, was very far from a government by the people, as we understand the phrase today.

The framers of the Federal Constitution imposed various restraints upon the exercise of the power of the people through the ballot in the national field. The new Constitution provided that only one class of Federal officers, the members of the House of Representatives, should be chosen directly at the polls; and that the President and Senators in Congress should be chosen *indirectly*—the President by the Electoral College and the Senators by the State Legislatures. At the time the Constitution was adopted the voting element of the population was relatively small in numbers—a sort of privileged class. The Constitution makers left it to the States

to decide what the qualifications of their voters should be. The States could bestow the right to vote upon whom they pleased. The framers of the Constitution therefore considered it wise to interpose some check upon the voting power of the people in the choice of President and Senators, while leaving them free to select directly their representatives in what has generally been regarded as the popular branch of Congress.

2. **Property-Holding the First Test.**—Up to a period following the Civil War the States had absolute power to decide, each for itself, what classes of their people should have the right to vote. The policies of the original thirteen States in that respect were cautious and conservative. In none of them did manhood suffrage—the right of every male citizen who had attained his majority to cast a ballot—exist. The almost universal rule was to insist upon a property qualification for voters. That is, no citizen could vote who did not pay taxes on a certain amount of property. The requirement does not seem very tyrannical for that distant time. But in the early days of the Republic, when the country was thinly settled and the means of self-support were not easily wrung from the soil or acquired by other humble occupations, the property test was sufficient to exclude a large number of males from the suffrage.

The idea of our State authorities at the time when the Union was formed was to confine the ballot to “solid” citizens—to those who, through their ownership of property, had some material interest at stake in the conduct of the government. Thus, in Virginia, the most populous of the original States, no man could vote in a country district unless he owned at least fifty acres of land or twenty-five acres with a house, or in a town unless he owned a house and lot. The Virginia requirements were

repeated in substance, in several of the other States. In other words, the possession of fifty acres of land or its equivalent was quite common as a voting qualification. In Pennsylvania any man who paid taxes could vote. In Massachusetts, the voter had to own property valued at sixty pounds, while Georgia was more liberal, fixing the sum at ten pounds.

The number of males who were deprived of the right to vote by these laws can only be roughly estimated. Thomas Jefferson is on record as saying that the majority of the men of his State, "who pay and fight for its support," were unrepresented in the Legislature, because they had no votes. In Massachusetts it was estimated that a quarter of the adult males were denied the right of suffrage because they lacked the property qualification.

3. The Tests for Office-Holding.—On account of the voting restrictions in the original States, none but property owners were qualified to hold public office. In some of the States this office-holding test was so severe that only well-to-do citizens could be elected to the Governorship. In Maryland no man could be chosen Governor who did not possess five thousand pounds in lawful money, a considerable sum in those days; and in South Carolina the money requirement was raised to ten thousand pounds. In several of the States members of the Legislature were obliged to own more property than the ordinary qualified voter, and in none of them was a man without property eligible to any important office.

4. Vermont Introduces Manhood Suffrage.—Vermont, the first of the new States admitted to the Union (in 1791), set a better example looking toward liberal democracy. Her constitution granted what was practically white manhood suffrage. It conceded the right to vote to every man who was "of a quiet and peaceable

behavior," to quote its quaint phrase, and who was willing to take what was called "the freeman's oath." This was a sworn pledge, according to his conscience, "without fear or favor of any man," to vote in such a way as would "conduce to the best good" of the State.

The two other States that joined the sisterhood before the close of the eighteenth century were Kentucky and Tennessee, which patterned their voting system after Vermont's in this respect. They, too, virtually established manhood suffrage. After that the further west the new country extended the more democratic it grew. But it took the older States some time to feel this liberalizing influence. Not only did they retain the property qualification for voting long after the adoption of the Federal Constitution, but some of them provided religious tests for the voter and the office-holder in the first ten years of the nation's existence.

Finally, one by one the older States fell into line for a broader suffrage and a more consistent democracy. In 1820 Massachusetts extended the suffrage to every citizen willing to pay a small fee for the privilege, known as a poll tax. New York established manhood suffrage soon afterwards, and Virginia in 1830. By the mid-forties the right of all adult male citizens to vote was generally recognized throughout the States.

5. The Colored Vote.—At the beginning colored men were subject to the same voting qualifications as whites in the five States of Massachusetts, New Hampshire, New York, New Jersey and North Carolina. Afterwards New Jersey and North Carolina withdrew the privilege from colored citizens. Some of the new States, beginning with Vermont, granted the suffrage only to colored owners of property, but most of them confined the ballot to white citizens. When the older States abolished the property

qualification for white voters, all of them, with the exception of Rhode Island, kept it in force with regard to colored citizens. Strictly speaking, therefore, the manhood suffrage which was prevalent in the whole of the United States for some years before the Civil War was in reality white suffrage. The States had full power under the Constitution to bar the colored man from the ballot box. But the power was extinguished by the adoption of the Fifteenth amendment in 1870.

This amendment does not specifically provide that every man of African descent shall be permitted to vote. It simply decrees that no State shall withhold the suffrage from citizens on account of "race, color or previous condition of servitude." The intent of that article was to place the colored men on the same plane as the whites in the enactment of State laws relating to the suffrage.

6. Limiting the Suffrage Again.—The adoption of this amendment was one of the incidental results of the Civil War. But before that conflict was fought a reaction against full manhood suffrage had taken place in a number of States. The fruit of this change in public sentiment was seen in the introduction of voting restrictions aimed chiefly at immigrants. The prejudice back of it originated with the heavy immigration from Europe beginning in the forties. New qualifications for voting were then created, and the most familiar of them was the educational test intended to exclude from the polls persons who could not read and write.

Connecticut introduced the first educational qualification of this kind in 1855 when her voters adopted a State Constitutional amendment providing that every person must "be able to read any article of the Constitution or any section of the statutes of this State before being admitted as an elector." Two years later Massachusetts

followed suit with an amendment prescribing that no one could vote who could not read a section of the Constitution in the English language and write his own name. Today this simple test of education or literacy is still enforced in a number of States.

7. Methods of Voting.—The changes in the qualifications for voting have not been more marked than the changes in the methods of voting—an entirely different thing. Up to a period within the memory of our older citizens the laws or customs governing the deposit of ballots on election day were very lax, and as a consequence serious abuses of the voting privilege were common. For about a century after the adoption of the Federal Constitution, the chief concern of the politicians was “get out the vote,” and the vote itself was a written or printed slip of a primitive kind. John Greenleaf Whittier, in his poem “The Eve of Election,” long ago called the ballots “the written scrolls a breath might float.” In the old days before the Civil War not only did the paper ballots take on a great variety of forms, but there was little pretense of regulating their distribution. Such details as the printing of ballots, where they were actually printed, and their circulation among the voters, were left to the candidates and their friends or to political committees.

A generation or so ago, the State laws had comparatively little to do with the preparation of the ballots. Prior to 1889, some of the States had laws on their statute books requiring a standard, uniform size and color for the ballots, but subject to these conditions the party committees and interested persons had a pretty free hand in providing the stationery, as it were, for the voting process. In all the States, laws were in force prohibiting election bribery and fraudulent voting or “repeating” by

individuals; but, aside from these legal precautions, the States exercised little supervision over the act or means of voting. The effect of this free-and-easy method of voting was to encourage the corruption and intimidation of many citizens. It can be seen that open voting encouraged the activities of those who made it their business to bribe dishonest persons, or to influence weak ones.



Vio Lambdin.

VOTING IN THE OLD DAYS

Before the advent of the secret ballot and the closed polling booth, voting was a rather open process. The polling places were usually vacant stores or shops or the sidewalk fronting a store or shop window, through which the voters handed their ballots to an election clerk. Under the lax laws at that time, the party ballots were distributed before election day, and prudent voters came to the polling places with their voting tickets already prepared. Voters who did not take this precaution were besieged and "buttonholed" by poll workers in the interest of candidates or parties.

The ballots were distributed on the day or night preceding the election, but many voters were not supplied in this way and waited for their visits to the polls to obtain their ballots from party workers.

About the only secrecy attending the voting process of those days was that which the voter himself insured

by preparing his ballots in advance, folding them carefully and clutching them firmly in his hand as he approached the window or other opening where the election clerk received them and deposited them in the various boxes. At the polls the voter was openly solicited to vote for this or that candidate, and nearly every citizen had



THE SECRET BALLOT

Secret voting is now the universal rule. The above cut represents a voter closing behind him the curtains of a ballot machine. The closing of the curtains unlocks the small levers on the machine, which he can then shift as he pleases.

to undergo an embarrassing experience in this regard. As may be imagined, under such conditions vote-buyers could ply their criminal trade with considerable assurance that the corrupted man would vote as directed. On the other hand, those who wished to use persuasion on voters without bribery had every opportunity to do so.

In time it became evident that the crying evils of this system could be corrected only by two practical reforms. One was absolute secrecy in voting and the other was the publication and distribution of an official

ballot by the State under strict safeguards. The idea back of these reforms was borrowed from Australia, and the system by which it was introduced into this country is still known as the Australian ballot. It is also called the Massachusetts ballot, because Massachusetts was the

first State to adopt it for all elections, by a law enacted in 1889.

8. The Massachusetts and Other Official Ballots.—The new system did away with open and irregular voting, and put the voting process where it belongs, under the official control of the State. Its chief requirements were four. First, that all ballots should be printed under the direction of public officials and at the public expense, and distributed, under official custody, among the various polling booths at a reasonable time before the opening of the booths on election day. Second, that the names of all candidates for office should be printed on a single sheet (thus displacing the old system of separate ballots for the different candidates, or sets of candidates). Third, that each voter, after his name had been called and his right to vote verified, should receive a ballot and be permitted to retire with it to a private polling booth and prepare it for casting. Fourth, that the list of candidates should be so arranged on the ballot that the voter could easily indicate his choice with a penciled cross in a square before the name of each candidate. Such are the main features of the Australian, or Massachusetts, ballot reform. They have been varied by all the States adopting it, though the general principle has been accepted. The vote of every man and woman on election day is their own secret.



THE CROSSMARK

Section of a Massachusetts ballot showing the squares before the candidates named. The voter marks a cross before the name of the candidate he favors. To the left are the party emblems.

The advantages of the new system were so obvious, particularly in the matter of protecting secrecy in voting and therefore discouraging bribery and intimidation, that it gradually made headway throughout the country. On the Massachusetts ballot the names were so grouped that



"SPLITTING" THE TICKET

A section of an official ballot, on which the voter can vote a "straight" ticket by marking a cross in a circle at the head of his party column. In this instance the voter has placed a crossmark in his party circle, but he has also marked two names in the next column. This means that the two lower crosses must be counted for the Democrats whose names are marked, but all his other votes go for the candidates in the Republican column.

the candidates were voted for by offices. Some of the other States, while accepting the official ballot, insisted on grouping the names of candidates by parties and permitting a voter to indicate his preference for an entire set of party candidates with a single crossmark. But the general tendency in all the States has been to introduce some variety of the Massachusetts ballot that secures, by stringent election laws, the right of the citizen to cast his ballot unmolested and unobserved and to exercise a

deliberate choice in the marking of the official sheet or sheets provided for his use.

The new system is not without its drawbacks. In many cities and counties, it is necessary to print ballots of enormous size to accommodate all the names, and the task of marking them properly is no light one. The term "blanket ballot" is often used to describe them. But in such cases it is customary to placard the walls of the polling places with sample ballots duplicating the official

ones and containing elaborate instructions for the voter's guidance.

9. The Registration Requirement.—Voters are identified by the registration records. In practically all the States there are strict regulations for the registration of voters in advance of the elections. This is really a directory of voters, with details as to age, nativity, place and length of residence and the like, and it furnishes the election clerks with the necessary information for checking off the names of voters when they present themselves on election day.



SHIFTING THE MACHINE LEVER

Registering a vote for a chosen candidate. While the voter remains in the booth he can move the levers at will, but when he leaves, the levers are automatically locked and his vote is registered on the hidden dial of the machine. This dial is not exposed until the polls are closed.

10. Voting by Machinery.—The paper ballot is not the only agency for voting. In a number of cities, particularly in New York State, ballot machines are employed to register the choice of the voters. The original device of this kind was invented by Jacob H. Myers of Rochester, and was first put to practical use in 1896. In its latest development votes are registered on the machine by

the moving of a lever under the name of each candidate on its dial. The recording of the votes is automatic, and the figures cannot be seen by the voter while it is in progress. But after the polls are closed the total vote for each candidate is disclosed by the unlocking of

a secret register. The chief merit claimed for the machine is its prompt announcement of the result.

11. Residence Qualifications.—In all the States the election laws require a certain period of residence as a condition for voting. This is called the residence qualification, and it varies in the different States from three months to two years. In a majority of the States the requirement is one year. Maine has been a lenient State in this regard, allowing a citizen otherwise qualified to vote after a three months' residence within her borders. Seven States allow the franchise only to those who have resided there at least two years, and in eleven States a six months' residence is deemed long enough.

In most of the States, moreover, the election laws prescribe that the voter must have been, for some fixed period, a resident of the county, the city or the town and the election district in which he or she registers. The election district is the smallest geographical unit for voting purposes, and it may be within the boundaries of a city ward or a country town. The idea back of this arrangement is to have in each election district about the number of voters that can be accommodated at the polling place of the district within the hours of election day. The different residential requirements for voting in the State and in its counties and election districts may be conveniently illustrated in the case of New York. There it is necessary for the voter to be for one year a resident of the State, for four months a resident of the county and for thirty days a resident of the election district. In the different States the voting requirement for counties, cities or towns varies from one year to ten days, the last named regulation prevailing in Wisconsin.

It is necessary to insist on these residence qualifications, even in the case of natural born citizens, to prevent

fraudulent voting. If there were no residence requirements voters could be transported from one place to another to serve the interests of unscrupulous candidates for office. This species of fraud is sometimes attempted, and is known as the "colonization" of voters, but it is far less practiced now than in the days when the election laws were loosely framed and easily evaded.

12. Other Voting Qualifications.—Under the election laws in force in a number of the States, no one can vote who is unable to read passages of the Constitution or other printed matter, and in some States this test covers the ability of the citizen to write at least his or her name. In only one State of the Union, Rhode Island, has the property qualification survived. This is not, however, a harsh one, as the amount of property the voter must possess is put at only \$134 with an income therefrom of \$7 per annum. In six States the voter is required to pay a poll tax of \$1 or \$2. It is frequently, however, a tax on a political party, rather than individuals, as in the case of many an impecunious voter his committee sees that it is paid.

13. Disqualifications for Voting.—In nearly every State the election laws impose voting disqualifications of one kind or another. Only two States, Arizona and Iowa, have no specific provision of this kind in their laws. Most of the disqualifications are for conviction of crime, and particularly of offenses against the suffrage, such as the giving or taking of bribes. In three of the States betting on the election disqualifies a voter. A few of the States disqualify professional soldiers and sailors, and also bar duelists. One State, North Carolina, denies the ballot to atheists, and this is the only thing suggestive of a religious test in the election laws of the country.

14. Naturalization.—The next thing to consider is the naturalization laws of the United States—the laws by which foreign born persons are transformed into citizens and voters. The student should carefully distinguish between the two words “citizen” and “voter.” In any State of the Union a man can be a citizen without being a voter, and in eight States men are legally permitted to vote before they are citizens.



Brown Bros.

LESSONS IN CITIZENSHIP

A mimic registration and election for the benefit of new voters.

The making of citizens is a function belonging to the Federal government and operating through its naturalization laws. On the other hand, the making of voters is, beyond certain limits prescribed by the Federal Constitution, a State function. In order to become citizens, immigrants or aliens are obliged to observe simple rules set down in the Federal laws. Naturalization is open to only two races, however, the white

and the African. The foreigner who wishes to become a citizen must file a statement of that intention with the nearest court having jurisdiction in such matters. He must at the same time renounce his allegiance to any foreign government, and give all the data regarding his place of birth, the time of arrival here and the like. The person filing such declaration of intention must be at least eighteen years of age. If this application is regular, he receives what are known as his "first papers." Not less than two years afterwards he can advance the process before the proper court, provided he has been five years in this country in all. He then files a petition for citizenship in his own handwriting, stating all the facts required to prove his claim and qualifications. Two citizen witnesses must certify that he has been a resident of the State for at least a year and that he is morally fit for citizenship. Ninety days must elapse before the court acts on this final petition. When the court grants the petition he is a full-fledged citizen.

The same naturalization laws apply, of course, in the case of female aliens, with this exception, however, that such females are naturalized by their marriage to citizens, if they have been residents of the country for the requisite time.

The law confers upon aliens who have served in the American army or navy a special privilege, in the shape of a short cut to citizenship.

The American-born children of naturalized



BROWN BROS.

THE NATURALIZATION PROCESS
Foreign-born citizens taking out their last citizenship papers.

citizens do not have to be naturalized upon reaching age, for they then enjoy all the benefits of citizenship. Though the law denies naturalization to members of the yellow and brown races, including Japanese, Chinese and Malays, children born to them here become citizens at twenty-one.

As already noted, eight states confer the suffrage on aliens. This concession is granted as soon as they have filed their declaration of intention after two years residence.

15. The Compulsory Voting Idea.—Every year, even in the most important elections, some percentage of citizens fails to qualify for the suffrage by registration. For that reason reformers have from time to time agitated for a system of compulsory voting, under which each backward citizen could be punished by a fine for neglecting to perform his duty as a voter. So far, however, the movement has made no serious headway, and no State has given it legal sanction. The most serious obstacle to this reform is the consideration that it would not fit in with secret voting; that there would be no means of certifying any man's compliance with the law, even though he should visit the polls and apparently cast a ballot, which, in fact, he could purposely leave blank. It is argued that a law under which it would be impossible to prove that a man unwilling to vote had actually voted for candidates, would be of doubtful value.

QUESTION GUIDE TO CHAPTER XIII

1. What is the meaning of democracy? Tell something about the restrictions on voting in Washington's time? Where did the Federal government leave the power to prescribe voting qualifications?

Voting Qualifications and Methods 255

2. What is manhood suffrage? What was the most common voting qualification adopted by the original States? Why was this considered expedient? Name some of the States and specify the voting conditions peculiar to them.

3. What was the original test for officeholders? Give illustrations.

4. Name the first new State admitted to the Union? In what year? What voting system was adopted by this new State? What two States were admitted to the Union and adopted the Vermont system before the beginning of the eighteenth century? After that what followed up to the mid-forties?

5. At the beginning, what States gave equal rights to the white and colored voters? What States first withdrew the privilege of the ballot from the colored voter? What constitutional amendment took from the States the power of discriminating against colored men? In what year was this amendment adopted and what did it provide?

6. What event preceded the adoption of the Fifteenth amendment? What other influence on suffrage was at work before that time? In what year was the first educational requirement for voting introduced? By what State? How did this provision read?

7. Tell something of the methods of voting prior to 1889. What was the objection to this free-and-easy system? How were the ballots distributed? What evils were attendant upon the open-ballot system? What reform was adopted to correct existing abuses? What State first adopted the reform? In what year?

8. The new voting system was placed under what control? Name under three heads the main features of this method. What merit had the system to commend it to general use? What form was adopted in Massachusetts? How has it varied in other States? In substance what is the general method? What is one drawback of the Massachusetts ballot and how is it partly overcome?

9. What is the purpose of registration laws? How is identification of voters insured?

10. When and where was the ballot machine first used? How does it work? What is its chief merit?

11. What is the meaning of "residence qualification"? What is the time requirement in the majority of States? In most of the States what law is prescribed? What is an election district? What is the object of election districts? Give an illustration of what is meant by residential requirements in a given State. Name a re-

quirement common to all States. Why are such State requirements necessary?

12. How many States apply the reading test to voters?

13. What are the voting disqualifications in a number of States? Cite instances.

14. What is the meaning of naturalization? Can a man be a citizen without being a voter? To what races is naturalization open? What must an alien or immigrant first do to become a citizen? What age is necessary in making the first application? Mention some proceedings for naturalization. Do the same naturalization laws apply to both sexes? What of children born in the United States of naturalized parents? How many States require only two years' residence of aliens before they become voters?

15. Has compulsory voting ever been considered? Why is it not deemed advisable?

TEST QUESTIONS AND HINTS

1. How long have women been able to vote for all elective officers in your State?

2. What is the method of voting in your city or town—with the paper ballot or with the ballot machine? If the paper ballot is used, is each of the candidates voted for with a separate crossmark, or is there a way of voting a "straight" party ticket with a single crossmark?

3. How many voting districts, or polling places, are there in your city or town?

4. On what date are the elections held for the choice of your city (or town) officers?

5. What are the dates for the registration of voters in your State?

6. How long must a person be a resident of your State, and of your county and city, in order to qualify as a voter?

7. Where is the polling place of the election district in which you reside?

PART IV
THE LOCAL COMMUNITY



Loring-Astell Co.

SPRINGFIELD'S CIVIC CENTER
The famous Court House Square of a Massachusetts city.

CHAPTER XVI

CITY, COUNTY, TOWN AND VILLAGE

The modern city has come to be a huge corporation with many branches.—JOHN FISKE.

1. **Our Interest in City Affairs.**—It is a curious fact that in most cities and villages a larger vote is cast in national contests for Presidential Electors than in the elections to decide the choice of local officials. This circumstance is largely due no doubt to the long Presidential canvasses and to the unusual efforts of political committees to get out the vote in Presidential years. But whatever the explanation may be, there are always the best of reasons why a full vote should be cast in local elections, whether one lives in a city, a village or a rural community.

While it is our duty to bestow the right degree of attention upon national and State concerns, it is the local administration that touches the home most closely. If citizens are educated to the point where they take a constant and earnest interest in the political management of their local communities, there will be little danger of the State or the nation suffering from public neglect of civic duty in the broader spheres of government. The city or other community in which we live is, in a very practical sense, but a larger household, and the political student or new voter can make no better resolve than to keep a watchful and critical eye upon local government.

2. **Main Objects of City Government.**—Cities are organized political subdivisions of a State. Yet all the cities are allowed considerable liberty in the control of their own affairs. Their methods of government vary much, but all of them have a common purpose, namely, to insure the safety, convenience and comfort of the inhabitants.

Necessarily, the prime object in every well-governed municipality is to protect the health, the lives and the property of the people. These aims come under the head of public security. The machinery created to serve these vital purposes is familiar to everybody in the shape of police, fire and health departments. To this group may be added the department or bureau that furnishes the necessities of life to the destitute.

Next in order we must rank public utility or convenience. Among the agencies here at work are various departments for cleaning the streets, laying new pavements or repairing old ones, and constructing and maintaining public buildings, and the like. In this class we must also include our schools, for next to the safeguarding of health, life and property, no municipal duty is so important as that of fostering education.

When these practical objects are provided for, the third mission of the city government, to promote the public comfort, must receive attention. This covers every instrumentality or measure for making the city a pleasant place to live in.

Thus, with three words the objects for which municipal administrations are conducted may be described. They are *security*, *utility* and *attractiveness*.

It must be observed, however, that the different departments of a city government cannot be entirely separated along these lines. Some of them serve a double

purpose. The parks add to a city's attractiveness, and they also serve the interests of the public health. Imposing public buildings are daily put to a practical use, for the transaction of the city's business. If they are wisely planned and constructed they figure to great



THE SAN FRANCISCO CITY HALL

One of the three imposing units of the city's Civic center, the others being the Public Library and the Auditorium.

advantage in a city's beautification. Fine pavements are a matter of public convenience, but they must also be numbered among a city's attractive features. When all these things are set down they supply, in a general way, a good test whereby to measure the efficiency and success of a city government.

3. How Vigilant Citizens Can Help.—It has

been claimed by many who travel extensively that the city governments of Europe have been better conducted than our own. We need not stop to inquire how much of truth there is in this comparison. It is enough to know that there is room for considerable improvement in city government in the United States, and that the improvement is bound to come with the growth of a keener interest among our city voters in their municipal concerns.

Every citizen is better qualified to vote intelligently on local than on State or national questions, because the methods of a city government and their practical results come largely under his or her personal observation. It is this opportunity for close examination, or first-hand inspection, that should fit intelligent citizens in a special

degree to vote wisely in municipal elections. The city government is often compared to a business corporation. But in one important respect the city differs from the private business concern. It is not organized to make money. It is maintained by taxation to serve the public, and for no other purpose. In spite of this difference, city voters may fairly be expected to take the same kind of interest in their local government as they would in the management of a corporation in which they had invested money as stockholders.

4. Party Politics in Local Contests. — Why people should vote so often and to so large an extent as partisans or party adherents, in local contests that relate to their business affairs as a municipal association, is a question often asked and never satisfactorily answered. Whatever one may think of it, it is true that the great majority of citizens, perhaps from eighty to ninety per cent, favor, as a rule, in municipal elections, the same party which they are accustomed to support in the State or national field. While there is more independence in local politics, the difference in that direction is not, as yet, strongly marked.



MUNICIPAL SAFEGUARDS—I

The backyard of a tenement house showing conditions that menace health and increase the danger of fire.

5. The Public Protection.—The police and fire departments of our cities have changed but little from the old days in their general functions. But in nearly all cities their organization has been improved by the application of the merit system in the selection of new mem-



MUNICIPAL SAFEGUARDS—II

A companion picture for the last. The same tenement area after efficient city officials have finished their task.

bers and the protection of the old ones. Another wholesome tendency has been to put them under the control of single executives. The old rule in many cities was to subject them to the authority of commissions, generally bipartisan. Under the new regime there is less politics and better discipline in the police and fire departments of every progressive city.

In the health departments of our cities there has been an even more revolutionary change for the better. This change is largely due to the great

progress during the last twenty years in the science of public sanitation. Today every well organized health department and bureau is a powerful organization for the enforcement of quarantine in the case of contagion; for the inspection and certification of food, particularly milk; for the destruction of nuisances menacing the public health; and, generally speaking, for the strict enforcement of every precaution necessary to guard the people

against infectious diseases. In the larger cities benevolent societies have been formed to co-operate with the official health agencies in providing sterilized milk for the infants and adult invalids of the poor, to raise "fresh-air" funds for children's vacations and to improve living conditions in districts where poverty abounds. Practically all of the States have aided in these wise philanthropic movements with strict sanitary laws.

The problem of providing a pure and plentiful water supply is one of the gravest that cities have to solve. It is often necessary for them to incur a heavy bonded indebtedness for this purpose where the sources of an adequate supply are at a distance. The administration of the water service is generally intrusted to a municipal department or bureau, which has charge of the water works, the maintenance of the conduits, reservoirs and distributing mains, the collection of fees and other important duties. The health department, as a rule, necessarily exercises an official supervision over the quality of the water, to guard against possible contamination. A healthful and abundant water supply is recognized as one of a city's best assets.

6. Municipal Service and Franchises.—It is the rule in American cities to group in a public-works department, whatever name may be given to it, such operations as the paving, repairing and cleaning of the streets; the public lighting; the care of the parks; the disposal of the city's sewage, garbage, ashes and other refuse; the charge of bridges and docks (if such accommodations are needed) and all other matters relating to the city's convenience. As to the regulating of the public utilities of a city, such as its street car or other traction service and the lighting of its streets and homes, a great variety of municipal systems is in force. Excepting in compara-

tively few cases, this public service is furnished by companies operating under franchises, or formal contracts, granted by the municipal authorities for varied periods of time and on varied terms.

In the early days when the street car service was in its infancy, and later when electric lighting from central plants was first introduced, city franchises for transportation and lighting were voted away on conditions exceedingly favorable to the interested companies. We have since reached a stage of municipal development where such privileges have brought large returns to city treasuries. Since 1900 or thereabouts corporations of this character have been subjected to State as well as municipal regulation, and although financed by private capital, they are now generally known as public-service corporations.

When we pass from the city functions relating to public safety and utility and come to those affecting the city's general attractiveness or beautification, we find that much of this ornamental duty is intrusted to special commissions of public-spirited citizens serving without pay. Some of them are, however, armed with large powers of discretion in the planning of the city's growth along modern lines. For example, the widening, alteration and improving of streets are so directed as to conform to their far-sighted programs.

7. Municipal Taxation.—The cost of city administration, as compared with the demands of the State and national governments upon the taxpayer in ordinary times, is very heavy. This is because the city government performs a variety of services that more directly affect the citizen than the activities of State and nation. Under normal, peace-time conditions the citizen's contributions to the support of his local government, city

or town, and county, are his largest taxation for public purposes.

The case of the city and the State of New York may be cited as an instructive, though rather extreme, illustration of this truth. Taking the years 1919 and 1920 as an example, the annual budget of New York city was two and a half times as large as that of New York State. Again, the bonded debt of New York city, which was well past one billion dollars in the years mentioned, was more than five times as large as that of the State government at Albany. At first glance, it may seem strange that it costs less to run a great State than one of its own political subdivisions, but the wonder disappears when we consider the many kinds of municipal service requiring appropriations which the State does not have to match.

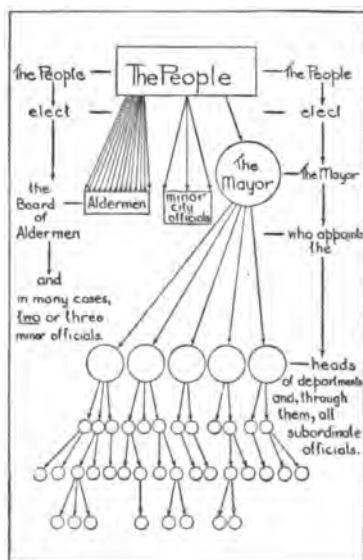
In the city the main reliance for revenue is taxation on real estate—a convenient and easily assessed and collected revenue. Another common and fruitful source of income to cities has been the excise, or license, for the sale of liquor. But this disappeared with the advent of Prohibition, and various expedients, including substantial increases in the real estate tax, have taken its place. In addition, the cities derive revenue from the taxing of corporations or their franchises, from the surplus income from their water service and from the imposition of fees of one kind or another upon theatres, traveling showmen, street vendors and other minor sources.

In the case of costly undertakings such as new water supplies, public buildings and the purchase of sites for new parks, it is customary for cities to borrow money on bond issues payable after a fixed time. The object is to shift a part of the cost to later taxpayers. But it

is the rule in most States that such bonded indebtedness shall be limited in order that it may bear a reasonable proportion to the entire assessed valuation of the city's real estate.

8. The Government of Cities.—In the majority of cities a system of government prevails which bears some resemblance to the Federal and State systems. An executive is elected by the people and he is most generally known by the title of Mayor. Other administrative officers are elected at the same time, the number varying in different cities. A local legislature is chosen, of which the most familiar title is the Common Council or the Board of Aldermen. Judicial officers are also selected, either by appointment or at the polls, for the administration of civil and criminal justice within local limits.

Roughly speaking, this form of city government, a widely prevalent one, is a reproduction in miniature of the government at Washington or at the State capital. Usually, however, the Common



THE MAYOR-AND-ALDERMEN SYSTEM

- This diagram is an outline of the operation of city charters under which the government is administered by a Mayor, and the Board of Aldermen, or Common Council, is elected by city wards. The group charter for the second-class cities of New York State, referred to in the text, is a good example of this system. Under it the President of the Board of Aldermen, the City Comptroller (or Auditor) and the City Treasurer are elected by the people.

Council comprises only one branch, though there are some instances of a two-chambered Council. The administrative officers are chosen on a general city ticket, while the Aldermen, to carry out the representative idea, are selected by the voters in the several wards. In the average city of this class, an Alderman, therefore, may be called a neighborhood representative, and, in fact, he is usually on terms of personal acquaintance with a considerable number of his constituents.

In the old days, the Aldermen in most American cities exercised controlling power, especially where they were dominated by a party or group strong enough to override the vetoes of the Mayor. They not only planned the city budgets and made many of the appointments to office, but they had the right to grant franchises to street railway, lighting and other corporations. In the award of franchises they encountered no formidable opposition, because the public was eager for corporate service and gave little heed to the terms on which it was secured. Aldermen, or Councilmen, who were willing to serve as tools for unscrupulous bidders for franchises were thus in clover. The thirty years between 1870 and 1900 covered an era of rich harvests for franchise-seekers. But in the light of later events clear-sighted reformers appreciated better the disadvantages and dangers that arose from the placing of unlimited power in aldermanic bodies. To make the matter worse, an unworthy Alderman who happened to be popular in his ward was pretty sure of continued re-election, and the voters of the city at large had no chance to pass judgment on his record.

NEW MUNICIPAL METHODS

9. An Era of Change.—The late nineties marked the dawn of a better system in many American cities.

Reforms were introduced into municipal government by which the powers previously exercised by Common Councils were either abolished or subjected to wise restraints. There was, in fact, about this time, a general overhauling and revision of city charters, with the object of strengthening the grip of the people upon their municipal affairs. The government of each city is determined by its charter. A charter is an act of the Legislature prescribing the form of government for some particular city or group of cities.

In the nineties a wave of municipal reform swept the country. One of its practical consequences was the adoption of many city charters in which the power of the Mayor was strengthened at the expense of the legislative branch, the Board of Aldermen. An influence which had much to do with popularizing this reform was the creation of the Greater City of New York in 1897. It received a charter which clothed the Mayor with large authority. It lodged in him and also in boards or commissions important powers that had been exercised by the Aldermen of the cities of New York, Brooklyn and Long Island City. By far the most powerful of these municipal bodies was the Board of Estimate, made up entirely of officials elected by the people of the entire city or of its boroughs. The greatest responsibility confided to this body was the framing of the heavy municipal budget. The Board of Estimate was composed of the Mayor, the President of the Board of Aldermen and the Comptroller, all elected on a general city ticket, together with the respective Presidents of the five city boroughs, also elected. This New York charter of 1897 illustrated the tendency to increase the power of city executives and thus to centralize local government in a few hands. The same rule was followed in other cities.

10. An Instance of Group Charters.—Scarcely any two cities of importance have exactly the same machinery or methods of government. But the principle of concentration of power observed in the Greater New York charter has gained steadily in public favor. New York State also adopted the plan of grouping city charters in classes.

A good example of this grouping of charters is furnished by the second-class cities of New York, those having a population between 50,000 and 175,000. Their charters are alike in most features. The elective officers in each are the Mayor, President of the Board of Aldermen, Comptroller, City Treasurer and Assessors; and the commissioners in charge of Public Safety and Public Works as well as the City Engineer are made appointive. In each city there is a Board of Estimate and also a Board of Contract and Supply. These boards are composed partly of elective and partly of appointive officials. The Mayor makes the appointments. He exercises a decisive control in the making of budgets and of contracts and in city finance in general. He has much to do with granting franchises, which must be approved by the Board of Estimate. Under this charter, which is here emphasized as a type, the power of the Common Council is much restricted. It is largely confined to the purely legislative duty of adopting city ordinances or local laws.

11. School Administration and Finance.—In the matter of school administration there is a great variety of city systems. School commissioners charged with this duty are very common. In some cities they are elected by the people, and in others they are appointive officials, while in still others a single commissioner, either elective or appointive, administers school affairs.

There are also marked differences in the methods of providing funds by taxation for the support of the schools. In some cities, as well as in numerous towns, the revenue for this purpose is raised separately by a special school tax. In other cities the appropriations for education are a part of the general municipal budget.

A POPULAR REFORM

12. City Government by Commission.—It is desirable to direct attention to a new form of city government, known as commission government, which has made rapid headway in public favor since the beginning of the twentieth century. The new scheme was the immediate result of a disaster that horrified the whole world. On September 8, 1900, the waters of the Gulf of Mexico, driven by a violent tropical hurricane, swept over the city of Galveston, Texas, and wrought fearful havoc. A large part of the city, including many public buildings, was demolished and several thousand lives were lost. The old government of Galveston, composed of a Mayor and twelve Aldermen, was paralyzed by the calamity. What was left of the city was plunged into distress. In this dreadful crisis leading citizens met and appointed a provisional committee to take charge of public affairs and also to draft a temporary charter.

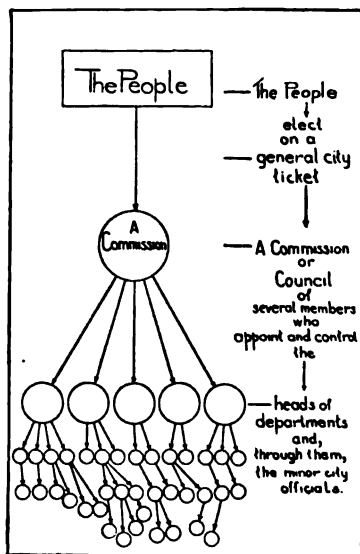
Under this charter the government of Galveston was intrusted to a picked commission of citizens. The plan was suggested, it is said, by the system under which the affairs of Washington are administered by Congress, and by the good work of a commission which had served in Memphis during the yellow fever epidemic of 1879. The new Galveston charter was submitted to the Texas Legislature, which promptly authorized the afflicted city to put it into force. Two of the commissioners were elected

by the people and three others appointed by the Governor. Later the whole five commissioners were made elective.

Such was the tragic origin of city government by commission. In Galveston it brought order out of chaos, and other communities were soon impressed by its merits. In 1904, Houston, Texas, voted to install a similar sys-

tem and three years later Des Moines obtained a charter which carried the commission plan to an advanced stage of development.

13. Features of the New Plan.—One of the leading features of municipal government by commission is that it permits, if a city so desires, the elimination of the Board of Aldermen. It may be likened to the administration of the affairs of a private corporation—as, for example, of a bank. Usually, the government of the city in which the plan is adopted is intrusted to a commission of five, elected by all the



COMMISSION GOVERNMENT

Here, as the diagram shows, the people elect a commission (generally of five members) which exercises all the powers formerly intrusted to the Mayor and Board of Aldermen.

people, and having virtually equal powers. To each of the commissioners the direction of an important city department is assigned, and all of them, acting in concert and with frequent conferences, constitute a municipal

council, or board of trustees, whose functions suggest those of the directors of an ordinary business corporation.

Under some systems of this kind, one of the commissioners is elected chairman by the people and bears the title of Mayor. Owing to the existence of the municipal commission, which makes laws and ordinances for the city, the Board of Aldermen is dispensed with. All the minor officials of the city government are subject to the authority of the commission, which takes the place of the elective officers, including the Mayor and Common Council, who served under the old system.

One argument for the reform is that, because of the fact that several commissioners are voted for on a general city ticket, it tends to discourage stiff partisanship in the choice of municipal administrations.

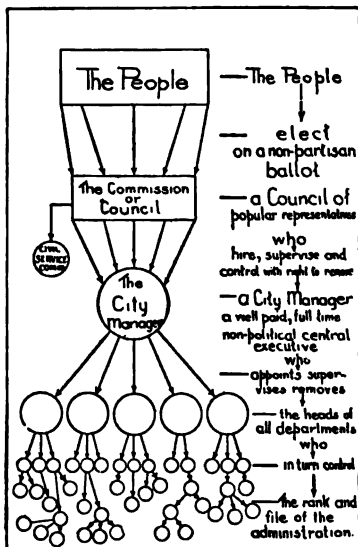
The adoption of the plan of government by commission usually follows a local referendum, or vote of the people, calling for a charter of that kind, and by a special legislative enactment granting the request. Most of the cities of this class are located in the West and South. In the East the lead was taken by New Jersey in a similar direction by passing a law which authorizes her cities at any time to establish the new system of their own accord, when a majority of their people so decide.

In the twenty years after Galveston first adopted the new plan, government by commission, in one form or another, was introduced in nearly five hundred American cities.

14. The City Manager.—Many of the cities in this large group have varied the original plan of commission government in an interesting and ingenious way. This was done by bringing into existence a new and important official called the city manager. As far back

as 1908 the municipal officials of Staunton, Va., hired an experienced man to take general charge of the city's business affairs. This general manager, as he was known, gave satisfaction, and he was the forerunner of the city managers now directing public business in a considerable number of American communities. In 1914 Dayton, Ohio, gained the distinction of being the first city of

more than 100,000 population to put the city-manager scheme in force. In November, 1921, Cleveland, one of the five most populous American cities, voted for a city-manager charter.



THE CITY-MANAGER PLAN

A later variation of city government by commission. The first populous city to adopt it was Dayton, Ohio. The above diagram was prepared by the National Municipal League.

Under the city-manager plan the elective commission, generally of five members, is designated usually as "the council." Its members receive moderate salaries, or none at all; and, as a rule, they are not expected to give their whole time to their duties. They pass ordinances, supervise the city's business and are held responsible, by the people, who elect them,

for the administration of public affairs. But their most serious duty is to appoint a city manager, who, as his title indicates, becomes the chief executive manager of the city's concerns.

This manager is necessarily intrusted with large powers. He can be removed at will by the council. He himself appoints all the other officials and employes of the city government; they are at his command, and he can remove any of them for causes permitted under the Civil Service laws. In most of the cities trying this plan the rule of the council has been to select as city manager a man of experience and proved capacity in municipal affairs. His salary is generally much higher than that paid to any officer in the same class of cities under the older system.

The advantage claimed for this scheme of local government is that it encourages the efficient transaction of municipal business and tends to separate community affairs from partisan politics.

15. City Courts.—In all of the cities, no matter what forms their charters may take, police courts are maintained for the trial of law-breakers whose crimes are not serious enough for attention from the courts of record. In good-sized cities there are also municipal courts for the hearing and disposition of civil actions involving moderate sums.

Though the cities are created by the State and are therefore subject to the control of State Legislatures, there has been a tendency to concede to them an increasing measure of independence in the management of their affairs. Home Rule for cities has always been a popular slogan, and State Legislatures have revealed a growing disposition to recognize the demand for it.

IN VILLAGE AND COUNTY

16. Village Government.—The great rural or semi-rural population of the United States is subject to town or village government, and in common with the cities

they have another political interest in the shape of county government. The people of the towns and villages like those of the cities, have their local problems. Their concern in fire and health protection, in the preservation of the public peace, in the care of roads and bridges, in suitable educational facilities and in other provisions for capacity and convenience does not differ in any material sense from that which leads city people to maintain expensive municipal establishments.

The towns have their administrative officers, their clerks, treasurers, overseers of the poor and school trustees. The village has its Mayor or President and its administrative council or board of trustees. Naturally enough, there is more similarity in government methods in the towns and villages than in the more thickly populated cities, which range in size from communities of three or four thousand inhabitants up to the imperial metropolis. The changes in the government of rural communities, therefore, call for no special attention. Only in one respect has it undergone a marked alteration, and that is in the precautions for the safeguarding of public health, in which all of the progressive States have rendered valuable aid by the enactment of general health laws and the extension of the authority of State boards of health.

17. County Affairs.—The counties of the older States are venerable institutions, and in the newer States the prevailing rule has been to copy their time-honored forms of government. Many of the counties of the country include no cities, and the administration of all of them is simple compared with the immense varieties of political systems we find in the city communities.

The county is nearly always an original constitutional division of the State, and in that capacity it is

used as a basis for the apportionment of districts for the election of members of Congress and of the Legislature. The great majority of the Congressional districts are made by the grouping of counties. The members of State Legislatures are chosen from single counties, from the divisions of counties or from combinations of counties. This is determined by the varying sizes of the counties thus represented.

The county serves an even more serious and dignified purpose as a local district for the administration and execution of justice. It is the field of operation and authority for the holders of two offices that have come down to us through centuries of common law—the Sheriff and the Coroner. These, with the prosecuting attorney serve the whole county, no matter how it may be divided as between cities, villages and rural settlements. It is the county that elects them and maintains the courts whose orders the Sheriff executes.

The administrative features of a county are so planned that it can perform certain services which affect alike the city or cities and the towns and villages within its boundaries. Good examples of these services are the construction of country roads and the building and maintenance of court houses, penitentiaries and county homes for the poor. County government, as a rule, differs from the city government, in the respect that it has no elective executive. The governing body is generally known as the Board of Supervisors or County Commissioners. In size, the board varies from three or five members to forty or more. In not a few States every town elects a county Supervisor, and here the legislative body is unwieldy; but the system is preserved owing to the unwillingness of the towns to lose their proportional influence.

The business officers of the county include a County Clerk and Treasurer, and occasionally an auditor, corresponding to the city comptroller. The counties have their local courts, including probate or surrogate courts, and the presiding judges of these are usually elective. The cost of conducting county government is levied on real property for the most part. The cities within counties have to bear their relative share of county expenses in addition to their own tax levies. But the total falls short of the expense of city maintenance. In one other respect, the counties have had an advantage. Their system of government in the past may be called stationary compared with that of the cities. They have thus been spared the agitations for charter revision which have occupied many a chapter in the history of our cities during the era of rapid growth.

The dates for holding city and village local elections are almost as varied as their methods of government. Spring as well as autumn elections of local officers are in vogue, but nearly all autumn elections of this class are held in the odd years, thus separating them from the Presidential and Congressional elections, which invariably fall in even years, as do the State elections with rare exceptions.

QUESTION GUIDE TO CHAPTER XVI

1. What is a noticeable peculiarity regarding Presidential elections as compared to local elections? What is one cause of this difference? Which election has the most direct influence over our home interests?
2. What relation do cities bear to the States in which they are located? What are the main objects of city government?
3. What has been said of our city governments as contrasted with those of Europe? Why are we better qualified to vote on

local questions than on State or national? To what is our city government often compared? How does it differ from private enterprises?

4. How does partisanship figure in local contests?

5. In what way has the organization of our police and fire departments changed? Why is it better to place each department under a single executive? What great benefits are derived from our present system of health administration? How is this system strengthened, encouraged and aided? What is one of the largest and most difficult problems for a city to solve? When the source of water supply makes large financial demands on a city, how are they met? What executive authority generally directs the water service? The source and quality of the water come under the supervision of what official authority?

6. What are known as the public works of a city? What are public utilities? By what means is such service generally furnished? How do corporations acquire the privilege of operating? What are such corporations called?

7. How does the individual share of city taxation compare with that of State and national taxation? Give an illustration. How is it explained? What is the city's main source of revenue? Name other sources. In the event of large and unusual expenditures, what method is followed?

8. In what way does the city government resemble Federal and State government? What are the executive officer and legislative body called in many cities? How are the administrative officers in such cities chosen? How are Aldermen elected? Tell something of the old system and the power invested in the Aldermen? How was this power abused?

9. In what period was this system widely reformed? What is a city charter? For what purpose is the charter enacted? Give an example of charter reform that had far-reaching influence. Name the most powerful municipal body under the New York city charter and tell how it is created. What important responsibility is confided to this body?

10. Give an illustration of the plan of grouping city charters as tried in New York State. Name the elective and the appointive offices.

11. Name some varieties of school administration in cities.

12. Tell something of the origin of commission government for cities.

13. Explain features of commission government. How many members usually constitute such a commission? What are their several functions? How are they elected? How is this system said to affect party contests? What is necessary to put this form of government in control? Where is this system principally in force? What Eastern State has taken a lead in encouraging it?

14. Tell something about the plan of city government known as the city-manager plan. Name two cities of size which have adopted it. What elective body appoints the city manager? Give some idea of his powers. What advantage is claimed for this system?

15. What local courts are found in all cities? What progressive tendency is revealed in city government?

16. Name some administrative offices of towns and of villages. In what respect have rural communities made marked progress?

17. Tell something about the county as a political institution. What purpose does it serve in legislative apportionments? What part does the county play in the administration of law? What ancient offices are still filled in the counties? How are counties governed as a rule? How is the cost of county government generally assessed?

TEST QUESTIONS AND HINTS

1. Is your city administered by a Mayor and Common Council, or Board of Aldermen? If not, has it the commission form of government? If its government is of still another type, briefly describe it.

2. Name the principal officers of your municipality. Which of them are elected by the people, and which are appointed? When is your city election held?

3. Are the school affairs of your city directed by a single commissioner or by a board of commissioners? If by a single commissioner, how is he chosen? If by a board, how are its members chosen?

4. Give the number of parks and schoolhouses in your city. How large is its police force and fire department? Where is its water supply located, and what official or board has charge of it? How large was the latest tax budget for the support of your city?

5. If you are a resident of a village, name its officers. When are they elected? Which of your village officers are elected and

which appointed? If you live outside of a village or city, who are the officers of your town, and how and when are they chosen?

6. Who is the Sheriff of your county? What is his term of office and when is he elected?

7. What is the board or commission called which has charge of the affairs of your county? How many members are in such board or commission and when are they chosen? If your town or ward has a county supervisor, name him. What are the principal officers of your county and how elected?

8. What are the local courts of your city, town or village and county? Name the judicial officers sitting in such local courts.

CHAPTER XVII

THE CITY—ITS SAFETY, HEALTH AND CHARITY

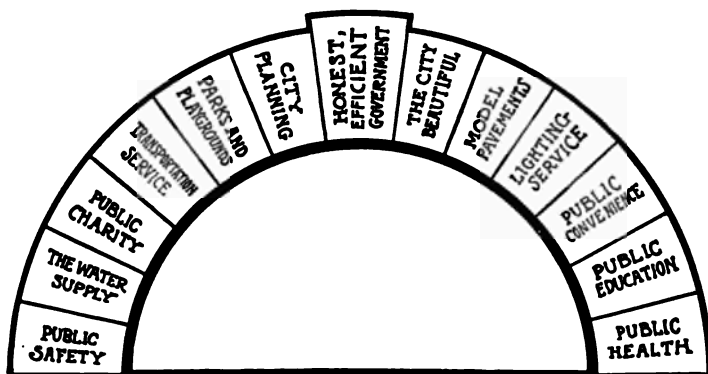
I believe that a man should be proud of the city in which he lives, and that he should so live that his city will be proud he lives in it.—ABRAHAM LINCOLN.

1. **The Study of Municipal Affairs.**—After having examined the systems of municipal, or city, government, and seen how they differ in various communities, it is next in order to observe more closely the details of city administration as it affects the citizen and as it, in turn, is affected by the efforts of good citizens to improve it, in every branch. Remembering that the city is but our larger home, and that the city's business is therefore a family concern, students can readily perceive that this is the field in which they can use to the best advantage the knowledge they acquire of public affairs, their powers of observation and their sense of responsibility as coming citizens.

A city administration is as efficient and progressive as the majority of its people choose to make it. Public sentiment determines its standard, sooner or later, and the voting booth is simply an agency for making that influence felt. The students of today are coming voters. To the extent that they prepare themselves for good citizenship by studying the operations of the government nearest to their vision—the government of the city—will they be able to contribute to the sound public

opinion without which no local community can realize its best ideals.

2. **The Municipal Arch.**—We have seen that the well conducted city government has three general aims—*security, utility and attractiveness.* Under the head of security comes everything relating to the safety and health of the people and to the protection of their property. Utility covers every form of service that pro-



THE MUNICIPAL ARCH

A solid structure illustrating city government and service. The foundation stones of the arch represent community safety and health, and the keystone is official honesty and efficiency.

motes the political and social welfare of the citizens and their daily convenience. Familiar examples are public education; the care of the sick and the poor; the supervision of transportation and lighting; the management of the city's ordinary affairs and activities; the collection of taxes, and the direction of public works. Under the third head, attractiveness, must be included every policy or measure adopted to make the city a desirable place of residence and pleasant to the eye, and to guide its future growth in the right way.



Underwood & Underwood.

SOLDIERS OF PEACE

Three city protectors at a perilous task on a burning roof.

If the principal agencies and objects of city government are likened to building stones, we can fashion them into an arch, of which public safety and public health are the foundations. The preceding illustration shows the structural grouping at a glance. The keystone is called "honest, efficient administration," because the usefulness of every municipal system depends

so much upon the character of the officials we choose on each local election day to administer it for our benefit.

3. The City's Uniformed Guardians.—The first need of every city is protection against crime and disorder, and against fire and all other accidental dangers or visitations to which the citizens of the community may be exposed. It is to supply this protection that our police and fire departments are maintained, and our municipal laws and ordinances are adopted and enforced. Every American city without exception has its police



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USEFUL HINTS FOR A CIVICS CLASS
A fireman teaches how to operate the fire alarm box.

servants to guard the lives and property of its people. Every American city worthy of the name has its trained force of fire fighters, always ready and alert when the electric signal is given to hurry to the scene of an incipient fire or more serious conflagration.

The observant student is familiar with the ordinary work of the fireman and the police. Yet it is the duty of the class in civics to get at the roots of things. Many students and, indeed, many of their elders have much to learn about the latest appliances with which science and invention have armed our firemen in their constant warfare against the flames. This, therefore, is a useful item of inquiry for civics classes, but it is only one of many items that confront the student who is eager to be well informed about the various functions of city government.

4. The Problem of Street Traffic.—An important duty of the police is to make the streets as safe as possible for the public. The task was an easy one in the days when horse-drawn vehicles were the only kind seen on the pavements. Later the trolley car called for strict municipal regulations for the protection of pedestrians, especially of children. Still later the popular use of the bicycle furnished a new object of police atten-



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FOR FIRE PREVENTION

Students from the civics class putting their lessons to practical use by gathering up papers and other inflammable rubbish, to lessen the danger of fire.

tion. But the problem of street traffic arising from these agencies was light and simple compared with the conditions created in every city by the great popularity of the automobile as a pleasure vehicle, and by the multipli-



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A WATCHFUL ESCORT

In the automobile age the traffic officers are a more and more valuable part of every city police force.

cation of motor-trucks of almost endless types for the more serious purposes of transportation. The danger of accidents from these sources is always present. It has made necessary the adoption of stringent municipal ordinances, strengthened by State laws.

Every well managed city now has its traffic squad of police to guard its busy corners and to protect alike pedestrians and the drivers and occupants of motor vehicles. One of the most serious responsibilities of cities is to keep down to the lowest possible limit the number of accidents due to automobile traffic. Constant vigilance is the price of safety in this department of city service. The traffic squads alone are not numerous enough to watch every danger point, and the problem has therefore received the attention of public-spirited bodies of citizens who have enlisted under the banner of "Safety First."

Street dangers are not the only problem occasioned by the automobile. The question of relieving the traffic congestion in the principal business thoroughfares is always a difficult one; and so is the question of providing parking space for the hundreds or thousands of motor cars during the business hours. Problems of this

kind are likely to become more and more trying. Each city has side streets suitable for parking purposes, and convenient to the common centers, but their advantages are sometimes overlooked.

DEFENSES AGAINST DISEASE

5. The Health of the City.—No department of community civics is more important in itself, or better deserving of the student's earnest attention than that which deals with the public health and the modern methods and precautions for safeguarding it.

It has been said that "within natural limitations a city can determine its own death rate." This truth has been demonstrated beyond question on the greatest of all our municipal stages—the city of New York. The metropolis now stands in the front rank of cities in the lowness of its death rate. Thirty years ago it could present no such honorable claim. Its housing conditions, made worse by the monthly arrival of thousands of immigrants, were then a reproach and a peril. Its ratio of infant deaths in periods of oppressive summer heat excited the horror and pity of the entire country. Since that time it has made wonderful progress in the right direction. By the enactment of wise laws and ordinances, through the services of efficient health departments, by the bounty of noble philanthropists, through the rapid advance of sanitary science, and by the earnest labors of many civic associations, the teeming city has struggled to a new life. Its diminished mortality rate is the fortunate result.

In the twenty years' interval from 1897 to 1917 the New York death rate for children under five years of age was cut down from 67 to 29 per 1,000. In 1868 about 28 per 1,000 of the whole population died in the me-

tropolis. In 1917 the rate had been reduced to less than 14 per 1,000.

The functions of every city department, or bureau, of health should cover the following activities:

General municipal sanitation.

Protection against infectious diseases.

Supervision of the water supply.

Child hygiene.

Food inspection.

Public education.

Maintenance of hospitals and laboratories.

Careful keeping of mortality and other vital statistics.

It is evident that no municipal health staff is large enough to supervise and enforce in detail every law, ordinance or regulation of these various subjects. The health authorities must depend, perhaps to a greater extent than any other branch of the city government, upon the zealous co-operation of citizens.



Williams & Hunt.

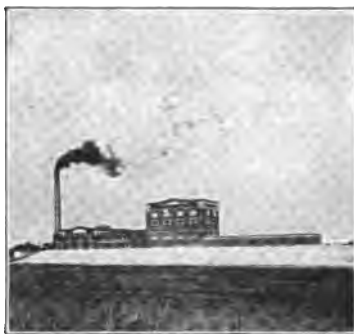
A MODEL WATER SOURCE

Skaneateles lake, a beautiful body of clear and cold water, from which Syracuse, N. Y., draws its drinking supply. The water is carried to the city, eighteen miles distant, in great conduits connecting the lake with city reservoirs. Tests made by the National Civic Federation some years ago showed the Syracuse water supply to be one of the purest in the country.

6. The Water Supply.—The water supply of each city is in charge of a special administrative bureau or officer attached, as a rule, to the public works department. To such official agent or agency the management of the water plant is intrusted, and this responsibility includes all the business and mechanical details of water

distribution, the care and maintenance of the reservoirs, conduits and mains, and the collections for water service. But the authority of the health department necessarily extends over the water supply, to insure its purity and to protect it from contamination.

With regard to water administration, questions of deep interest in every community are the purity and abundance of the source of the water supply; the official regulations for guarding the supply against pollution of any kind; the methods of filtering it, if filters are necessary; the location and the capacity of the holding reservoirs; the daily consumption of the city in gallons, the increase of that



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THE FILTERING OF WATER

A notable filtration plant, Flint, Michigan.



Brown Bros.

INSURING PURE WATER

Interior of the Flint, Michigan, filtration plant, and some of the mechanism for filtering and testing the supply.

consumption in the summer months and the precautions taken by the city authorities to prevent or discourage waste. In every city the waste of water is a common offense. Sometimes it is due to heedlessness on the part of consumers in neglecting defective plumbing, in leaving faucets open and in excessive sprinkling of lawns. A

pure and plentiful water supply is one of the best guarantees of the city's health.

7. The Protection of Milk.—Next comes the question of food inspection. Here the necessity of insuring



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SAFEGUARDING THE MILK SUPPLY

A section of a modern milk plant where cleanliness is the rule.

a wholesome milk supply is first among the city's obligations. Milk is the most familiar and nourishing food of young children and invalids. Of late years every well governed city has learned to enforce stringent rules for the inspection of milk, with a view to insuring its cleanliness and testing its nutritious and wholesome quality. Under this system the dairies that supply the milk are from time to time carefully inspected, and pains are

taken to see that the cans and bottles used in distribution are thoroughly cleansed and sterilized.

In many of the larger cities of the country, an additional precaution is taken against milk infection, in the shape of the pasteurization process. This method of treating milk, now in use in progressive milk plants, is named after Louis Pasteur, a famous French scientist, who first applied it years ago to purify French wines. In the case of milk, it is a simple process of heating the liquid to from 142 to 145 degrees. The heat is carefully raised to the degree where it will destroy the bacteria or microbes of disease that have the least power of

resistance. As it fortunately happens, these are the very germs which are sometimes dangerous in milk as possible carriers of contagion. In 1898, Nathan Straus, the philanthropist, distressed by the high death rate among infants and young children in New York city, built a big pasteurizing plant on Randall's Island. In time the good results were so apparent that pasteurizing plants multiplied in New York and made their advent in other cities. In a number of larger communities the pasteurizing of milk is made compulsory by local ordinance. It is the heating or "cooking" process, scientifically conducted, that distinguishes pasteurized milk from the ordinary raw milk.

"Certified" milk is raw milk which is carefully guarded against contamination at every point. It is so called because its purity and quality are certified by official or medical experts.

The Federal and State governments co-operate in making and enforcing laws to prevent the sale of impure and harmful food, especially meats and canned and bottled preparations. But it is the obligation of the city to supplement these laws with careful inspection of all foods exposed for sale and subject to contamination by dust and flies and



Underwood & Underwood.

FIGHTING A COMMON PEST

Taking an active part in the warfare on the house fly, always a possible carrier of disease germs.

by improper handling. Dealers in food often err through ignorance, and every well conducted health department should supply vendors of this class with printed instructions urging the necessity of constant precautions in displaying their commodities. Such circulars should point to the danger of permitting persons who are in any way



Brown Bros.

THE CITY BACTERIOLOGIST

A vigilant guardian of the community's health. It is his duty to discover the traces of contagion, to examine cultures from the throats of diphtheria suspects, to look for impurities in the drinking supply, and to co-operate with the health department in many similar ways in the warfare against disease.

authorities. The quarantine of homes afflicted by such diseases is now strictly enforced. The quarantine regulations require that each house in which contagion has developed shall be placarded with the name of the malady, and its inmates forbidden to mingle with persons on the outside until the disease is cured and the dwelling thoroughly disinfected by agents of the health department.

diseased from handling food in the stores either as sellers or would-be buyers. Vigorous crusades against fly pests have been of late years a very useful feature of city movements for food protection. Each branch of this movement is of prime interest and concern to every household.

8. Other Protections Against Disease.—The warfare of the city against contagious diseases is constant. In this direction the individual assistance of citizens is particularly valuable to the health

To strengthen its crusade against contagion every health department is expected to maintain a laboratory for bacteriological work—that is, for the examination of disease germs and the analysis of water supposed to contain impurities. The city bacteriologist is now an important official guardian of the public health. It is he who tests the cultures, or throat secretions, taken from patients suspected of having diphtheria; and it is his report that determines whether the disease exists and the patient is to be quarantined.

But quarantine alone is not a sufficient safeguard against contagion. Epidemics like the influenza, which are not subject to compulsory quarantine, are often spread by persons who are indifferent to the welfare of their fellow citizens. Municipal ordinances against expectorating in public places are not observed as they should be. Physicians tell us, moreover, that a person suffering with what appears to be a simple cold in the head exposes those in his vicinity to infection unless his handkerchief is properly used, or, better yet, a paper napkin which can be promptly disposed of. In the class in civics the need of continual care and vigilance in such matters cannot be too strongly emphasized. The model citizen is on the alert every day in the year against violation of the health laws and ordinances.

OTHER SANITARY SAFEGUARDS

9. **The Need of Personal Vigilance.**—A clean city is apt to be a comparatively healthful city, and city cleanliness begins in the home and its premises. The health authorities see to it that the best methods of fumigation and disinfection are carefully applied in homes visited by contagion. But householders are often remiss in not protecting themselves against communicable diseases that

are less harmful. "The cold ran through our whole family" is an expression often heard; and it means a lack of precaution on the family's part after the first

symptom develops. It must be remembered that an ordinary cold is frequently the source of serious mischief.

The spring house-cleaning is an ancient practice; but it has been within only a comparatively recent period that the necessity of carrying this good principle into dark cellars and neglected backyards has been vigorously pressed home by city officials and civic organizations. In clean cellars as well as in clean living and sleeping rooms there is health insurance as well as pride. A back-



Brown Bros.

EVERY LITTLE COUNTS

Lads from the civics class doing good work. They are saying to a careless householder: "Better cover up your rubbish can and help the Board of Health."

yard in which the refuse of years is allowed to accumulate may easily spread disease, especially under the rays of the summer sun, and one plague spot of this kind may endanger a whole city block. The owners of vacant lots too often sin in this regard.

10. Clean Streets as a Health Reliance.—It must be remembered that when individual citizens contribute to the healthfulness and inviting appearance of the city by keeping their own premises in "apple-pie" order, their policy of cleanliness influences the city authorities in the

right way. Upon the latter rests the responsibility for clean streets and squares and for attractive parks and playgrounds. The care of the streets is not merely a question of municipal tidiness. It is an essential part of the general program of health preservation. Sanitary experts tell us that dust is a busy carrier of disease germs. Diligent street sprinkling or periodic street oiling is therefore one of the plainest duties of the municipality, and one that should be marked by a wise liberality of expenditure.

In American cities within the northern latitudes the spring break-up creates a serious problem for the street-cleaning department. The winter deposits on the pavements require vigorous treatment, including flushing in the springtime, not only for the convenience of citizens but in the interest of the public health. The removal of ice and snow from the highways is always an expensive undertaking, but its sure reward is a lessening of the risks of disease.

11. Garbage and Sewage Disposal.—An important item in health administration is garbage collection and disposal. If the exact truth could be ascertained, it would

doubtless be found that the lowering of the death rate in all well managed cities in the past quarter century is partly due to the introduction of wise municipal methods



Brown Bros.

CLEAN STREETS A CIVIC MERIT

The White Wings contribute much in their way to make the city healthful as well as attractive

for ridding households of their garbage accumulations. This sanitary process was once left to individual discretion and in many cases neglected. Many smaller cities and villages are still lacking a publicly controlled system



SCIENTIFIC GARBAGE REDUCTION

An interior section of a model plant for putting garbage waste to good use. In the enormous ovens along the corridor the garbage is deposited from above and converted by heat into fertilizers, grease and other commercial products

of this kind, and their carelessness or lack of enterprise puts a premium on disease. Even in communities in which garbage collection is a public charge, as it always should be, the methods of disposing of it are sometimes defective.

Fortunately, the scientific use of garbage in reduction plants is now a widespread industrial pursuit. City reduction plants, many of them run by private corporations, are becoming more and

more common. They turn out valuable commercial products by scientific methods, under approved sanitary conditions. Their principal output is stearic acid, used extensively in the manufacture of soap and candles. During the World War glycerine was largely extracted from garbage for the manufacture of explosives, and this special demand encouraged the scientific reduction of garbage in many cities which had previously paid for burning it as waste matter. Besides the greasy content of garbage, when it is reduced in a modern plant, is a dry product called tankage, which is used as an ingredient of farm fertilizers.

The disposal of sewage is another serious city problem. Here the operation is all outgo without commercial return, except in some rare cases where attempts have been made to produce commercial fertilizers, and also alcohol for industrial purposes, from the refuse. In the modern plants for sewage disposal, big "sedimentation" tanks are employed, and also ingenious screening



SEWAGE DISPOSAL

This is a variation of the standard Imhoff system of sedimentation tanks for the sanitary disposal of city sewage. It is located at Atlanta, Ga.

systems, to separate the "effluent," or liquid content, from the rest, and thus to make final disposal easier. In the work of disposal, cities located near large bodies of water have a great advantage. In cities without this advantage, the sewage must be piped some distance and absorbed into soil set aside for the purpose.

12. Aids for the Sick Poor.—The public hospital, the free dispensary and free nursing service are valuable adjuncts of the progressive city's system of health preservation. Most hospitals, except the strictly private sana-

toriums or cures, are open for the care of poor patients committed to them and paid for by the city or county; but special city hospitals are necessary institutions. Every city must have a hospital or hospital annex for the special cure and treatment of contagious diseases.

Of late years hospitals or sanatoriums for sufferers from consumption, or tuberculosis, have appeared in many American cities. Medical science has shown that consumption, which claims more victims than any other single disease, can be cured, at least in its earlier stages; and also that it can be communicated. This increased knowledge of the distressing malady has pointed to the need of tuberculosis sanatoriums, usually located in the city suburbs. In these the afflicted ones can be isolated and at the same time have the benefit of pure air, carefully selected diet and the medical and nursing attention essential to recovery. The public generosity and civic spirit which have established these agencies for the care and cure of consumptives are meritorious in a

double sense. That is because every restored patient represents a benevolent service and a working unit restored to the community.

The dispensary for supplying free drugs to the poor is one of the oldest of municipal benefactions within the sphere of health protection. Sometimes it is but partly financed by the city, though under the offi-



Brown Bros.

SCHOOL SANITATION

A toothbrush drill for the double purpose of teaching habits of cleanliness and of guarding against infection.

cial supervision of the health authorities. The greater part of its revenue comes in the form of private charity. As professional nursing is beyond the reach of the sick poor, their needs are supplied in many cities by associations of visiting nurses, whose duty is to minister to the patients of this unfortunate class. Here, too, the funds necessary for the philanthropic

work are generally made up of charitable offerings.

13. Sanitation in the Schools.—In all well-governed cities the sanitary condition of the schools and the health of the students are constantly kept in mind by the official authorities. Within the school itself pupils are frequently reminded of the precautions taken by the city for the protection of their health. They are surrounded by sanitary safeguards which were unknown to the pupils of the public schools of other days. In up-to-date cities it is now considered a necessary part of school management to provide a system of school examination by physicians or nurses. This is to shield the pupils from dangers to health, especially from contagious diseases, to which one ailing student might expose a whole class.

School hygiene is now a very important part of the educational scheme of the State and the city. It began long ago with the laws requiring the vaccination of school children against smallpox, but it has since de-



Brown Bros.

GUARDING AGAINST TROUBLE

In many schools the medical supervision of pupils includes frequent examination of the eyes, ears, throats and teeth. This nurse is making a close scrutiny of the children's eyes.

veloped into a broad official supervision of the health interests of the whole student body.

14. Sanitation and Safety in Industry.—The students of today, noting the care taken by the municipality to provide them with healthful school surroundings and to keep watch, as most cities do, upon the health of all pupils through medical and other agencies, must readily understand why well governed cities insist that their workers in factories, shops and stores are protected against unsanitary conditions. In this respect great improvement has been made in the last thirty years. Virtually every State has on its statute books laws requiring that men and women and children who work for a living shall have the advantage of well ventilated and comfortable quarters, and that factory buildings shall be equipped with fire escapes and with the modern appliances for extinguishing fires. In many cases it is the city that is responsible for the enforcement of these laws, through its police, its health department and its civic organizations.

In no way is the physical welfare of the citizenship of a State or city better guarded than by its special laws relating to women and child workers. In many States young children are not permitted to labor for pay and the working hours for women are limited. In this direction the State depends upon the city to see that its humanitarian laws are faithfully executed.

15. Where Citizens Can Help.—While the city is officially accountable for applying all safeguards and carrying out all measures which sanitary experts recommend for the public protection, its government must rely, in its turn, upon the citizens, young and old, to lend their aid in attaining the desired end. The opportunity to vote out of power a negligent administration comes

only once in every year, two years or four years, as the case may be. But the citizen need not wait for election day to play his or her part in making the city clean and sanitary and healthful. The man or woman or civics student who abates a nuisance or any menace to the public health, or reports it to the city officials who have the power to abate it, renders a valuable service to the community. Occasions for such service frequently arise even in cities where the administration is generally regarded as efficient and satisfactory.

16. The Care of the Insane.—Under the head of public safety and public health are the provisions for the custody and care of the insane. This important obligation rests upon the State, rather than upon the city. Insanity is nothing but mental disease. Its victims are peculiarly entitled to protection and pity, and, especially in curable cases, to the best of expert attention. But while the care of the insane is within the province of the State, many good-sized cities maintain places of detention and examination for patients who have shown symptoms of mental disease but are not definitely pronounced insane. These are known as psychopathic hospitals or hospital wards. The inmates are put under temporary observation to determine whether or not their condition requires their transfer to a State hospital for the insane. Frequently a course of treatment in these city institutions results in a cure, and patients are saved from confinement in the State retreats.

17. The City's Charities.—In the tax budget of every city a heavy item is the appropriation for charitable purposes. The city, like the individual, is expected to live up to the Christian precept which commands us to feed and shelter the destitute and care for the orphan. In several departments of charity the city does no more

than contribute to enterprises which are financed by private generosity. Our orphan asylums are, as a rule, institutions of this class. These asylums are usually conducted by benevolent organizations, and the city makes a fixed allowance for each little inmate. Such grants from the municipal treasury are no more than a part of the total cost of supporting the orphan wards. In the larger cities asylums for foundlings, or deserted infants, are maintained on a similar basis.

The needs of poverty-stricken families are met with so-called poor funds, and the dispensing of aid in this way is a familiar function of every charity department. The usual method of the department is to investigate carefully such cases of destitution, and to issue to the destitute ones orders for food, clothing or fuel, which are duly filled by merchants and afterwards paid from the city treasury. In the case of city poor who need shelter or of homeless wanderers, the police generally supply temporary accommodations. Almshouses and homes for the aged poor are mainly county institutions, but inmates are sent to them by the city and are, of course, a city charge.

The share of the city government in relieving the wants of poor persons is necessarily quite limited, owing to the natural reluctance of unfortunates to accept public charity. Hence, a very large proportion of such relief is furnished through church and other charitable societies. Through these agencies a good many men and women are able to render benevolent services in the ways least calculated to wound the pride of the poor. The Salvation Army is a familiar type of the associations which are organized to help the homeless and destitute. Most churches have auxiliary societies devoted to the aid of needy people.

QUESTION GUIDE TO CHAPTER XVII

1. Why should the class in civics make a special study of city affairs? Give the reason why the details of city government should be studied in the classroom.

2. Repeat the three chief aims of city government. What is meant by the security of a city? What general objects and measures come under the head of utility? What does city attractiveness include? What do the several stones in the Municipal Arch represent? What do the foundation stones of the arch stand for? Why is "honest, efficient administration" the keystone?

3. What is the city's first need? What features of fire protection are worthy of study?

4. In what respect has police protection been specially necessary in recent years? How has the popularity of the automobile affected police duties? What is the function of the "traffic squad" of the police force? Describe the problems created by motor car traffic.

5. What class of questions merit particular attention in the study of community civics? Tell something about the example set by New York city in diminishing its death rate. Cite figures showing the success of its efforts. How are the activities of the city health department or bureau divided? Upon what reliance do the health officers count in the performance of their duties?

6. What is the relation of the health department to the water supply?

7. What kind of food inspection comes first in the order of importance? What precautions are taken by the city to insure pure milk? Tell something about pasteurized milk. Name some of the city's other responsibilities for protecting the food supply, and the precautions taken in that direction.

8. What is the most familiar measure taken to prevent the spread of contagious diseases? What are the quarantine regulations? What are the duties of the city bacteriologist? How should some of the milder epidemics be guarded against?

9. Mention some of the respects in which personal care and vigilance can help to make a community healthful. What kind of home cleanliness is held in special favor? Why should the cellars and backyards be thoroughly cleaned?

10. How is the public health benefited by an energetic policy of street cleaning? Why is the dust nuisance considered dangerous?

At what season should the city government devote particular attention to the streets?

11. Name a branch of city cleanliness in which great progress has been made. Should garbage removal be left to individual householders or be made a public charge? Tell something about modern methods of garbage reduction and sewage disposal.

12. What familiar provisions are made for the care of the sick poor? Name one special reason for maintaining city hospitals. Tell something about sanatoriums for consumptives? What is tuberculosis, the most dreaded of familiar diseases, and what is the double advantage gained by the organized efforts to save its victims? What is the free dispensary, and how is it usually supported? What form does free nursing for the poor frequently take?

13. Why is a system of medical examination maintained in the schools?

14. In what other quarter is the city's system of sanitary inspection and supervision extended? What is the general purpose of factory inspection? What classes of workers receive the special care of the State and its cities?

15. What does the city expect from its good citizens, and how can they best discharge their obligations? By what simple service can the citizen contribute to the cleanliness and health of the community?

16. What provision is made by some cities for persons showing symptoms of mental disease?

17. For what object does the city annually make large provisions in its budget? Why is public charity considered a community need? To what extent does the city support its orphan children? In what other ways does the city attend to the needs of the very poor? What are the most common measures taken to serve those who depend upon the city for the necessities of life? In what class of cases does private charity serve the poor to better advantage than public charity?

TEST QUESTIONS AND HINTS

1. Have you noticed any nuisance, whether in the street, in a vacant lot or on private premises, which you consider dangerous to the public health?

2. Have you visited any place of entertainment or other public assembly where the methods of ventilation or the means of exit in case of fire seemed to be defective?

3. Do you find the policemen whom you happen to meet watchful on their beats and courteous in answering questions?

4. Do you know of any homes bearing quarantine placards in which the inhabitants seem to be careless?

5. Do you know any destitute sick who ought to receive the attention of the city poor department or of a charitable organization?

6. Do the vehicles for milk delivery which come under your observation measure up to the proper standard of neatness and cleanliness? Do the retailers of food of whom you have knowledge take suitable precautions for protecting their food exhibits from contamination?

7. Do the residents in your neighborhood keep their yards in a clean and presentable condition?

8. Are the city garbage collectors regular in their visits to your neighborhood; are they careful in transferring the garbage to their wagons and are their wagons properly covered?

9. Have you noticed any instances of a heedless waste of city water?

10. Do you consider your city government careful or careless in its street cleaning operations, and particularly, do you believe it does all that it can to abate the dust nuisance?

11. Are there unguarded street corners in your neighborhood which automobile traffic has rendered dangerous. Has any way occurred to you by which the parking facilities for motor cars in the business sections could be improved?

12. How many hospitals of all kinds does your city contain and how many can you name? If your community has a public hospital, or more than one, name location. What provision does your city make for the confinement of patients suffering from contagious diseases? Has your city a psychopathic hospital or hospital ward for the temporary care and observation of persons giving signs of insanity?

13. What is the title of that branch of your city government which supplies aid to the poor? What provision does your city make for temporary sheltering of the homeless? Name the principal organizations of your city that give needed help to the destitute.

CHAPTER XVIII

THE CITY—ITS SCHOOLS, SERVICE AND ATTRactions

Schools are necessary in order that each succeeding age may be well supplied with men qualified to serve.—BENJAMIN FRANKLIN.

1. **The Schools and Their Mission.**—Next in importance to the health and safety of the city and the care of its destitute poor, the provisions for education through ample school facilities should appeal to the interest of the student in community civics. While school administration varies greatly in our American cities, public education has but one common purpose, namely, the proper mental training of our future citizens. With the exception of the church, the schoolhouse is the most impressive and familiar symbol of modern civilization. Unlike the church, the school is maintained by public taxation. As a department of government, State and local, education deserves the earnest attention of all who are preparing for the duties and responsibilities of the citizen.

Formerly, the school training of children was a matter of choice with the parents. That is still true to the extent that parents who so desire and who have the means to gratify their wish, can have their boys and girls educated in private schools or by private tutors. But the education of the children, in some form or

other, is no longer left to the discretion of parents or guardians. The child must receive reasonable intellectual training. The principle of compulsory education, as it is called, is generally applied throughout the country. For a specified period, at least long enough to acquire knowledge of the elementary studies, the boy or girl must be educated.

In most of the States failure to comply with the compulsory laws is made a legal offense for parents, while children who evade the duty of school attendance are dealt with as truants. In a word, our whole educational system is based on the sound theory that the proper



Underwood & Underwood.

THE LITTLE RED SCHOOLHOUSE

An elementary school of other days. Types of it still linger in the rural districts. A contrast with the modern High School.



Bruce Pub. Co.

CITY PROGRESS IN EDUCATION

A noble school building "way down South." The junior-senior High School at Fort Worth, Texas.

mental training of children is not merely a convenience and a privilege for parents and their offspring, but a civic obligation which they must not shirk.

2. Where State and City Join Hands.—The cost of maintaining public schools is among the heaviest tax burdens in every community, and as it is met by taxation the payment is not confined to the parents of the



Bruce Pub. Co.

FOR SPECIAL TRAINING

The Carter H. Harrison Technical High School in Chicago. A fine example of the modern advanced public schools devoted to technical or vocational training.

children benefited. By making the school tax a general one, either by a separate collection, as in some cities, or as an item of the annual budget, the city wisely recognizes the fact that education is a public concern.

In its provisions for education the city acts as the political representative and agent of the State. In all the States the educational system is administered from the capital under a carefully devised code of school laws. No two of these State systems are exactly alike. Some of them intrust their educational interests to State boards and others to single commissioners. Still others com-

bine the two administrative factors. Generally speaking, the State keeps to itself the power of supervision over all the public schools within its boundaries. In the exercise of this power it prescribes, through its State board or other administrative agencies, the rules and regulations governing education, the grading of the



A FAMOUS LIBRARY

In this library there are 14 miles of bookshelves and 4,000,000 books. All progressive cities are now actively interested in the steady development of their library facilities. This is sound policy, as the public library is the great continuation school after youthful school days are over.

schools, the courses of study therein and such other matters as encourage uniformity of method. At the same time, the State must needs transfer a large authority to the communities that erect the school buildings, provide for their maintenance and employ and pay the teachers. In consequence public education, though supervised and directed from the State capital, is also a part of the city's political responsibilities.

3. The Public Library.—An admirable educational agency in every city is the public library. It may be called the university of the common people, for it opens to every one the opportunity for mental improvement after school days are over. In all public libraries works of fiction are more widely sought for than any others; but the circulation of more serious volumes, such as history, biography, science and travel entitles these institutions to an honorable place in our educational system.

4. Social Service.—During the World War, when the food problem became acute, local agencies were organized for the better education of housekeepers in domestic science, particularly in more economical methods in the purchase of food and its preparation for the table. In not a few cities these agencies of social service have survived the war. Among them are numerous "thrift" kitchens where lectures and demonstrations are given free of charge. They are maintained by public and private aid or both. Wherever they exist, they may fairly be included in the city's educational system.

5. The Public Utilities.—This is the name often given to various forms of public service supplied by privately owned corporations under city regulation or supervision. In the average city it includes railway transportation, lighting, heating by artificial gas, the furnishing of electric power to industries, and telephone and telegraph service.

Water distribution is, of course, a public utility; but this service is solely controlled by the municipal government in the great majority of cases. In some cities, however, the water supply is owned and distributed by private companies, under municipal regulations for protecting the public health and insuring reasonable prices.

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In such instances the water service belongs in the same class with other kinds of corporate service, like transportation and lighting.

Many cities have access to supplies of natural gas, distributed through mains and pipes, like the more familiar artificial gas, both for heating and illuminating. In some cities, especially the more populous, steam heat is generated in central stations and forced through underground piping into business blocks and other structures whose owners prefer that form of heating service.

All these varieties of service come under the head of public convenience. The public-service, or public-utilities corporations conduct their business under the municipal franchises already referred to. What is a franchise, as the term is here used? It is a written contract between the public-service company and the city. Each city charter specifies the municipal officers who shall have the power to make and sign such agreements. By the terms of the contract the city gives or sells to the public-service company the use of its streets for the laying of tracks or of underground conduits or mains, for the raising of poles and the stringing of wires, or for any purpose related to the service the corporation proposes to render. This permit is known as a franchise, and it is usually a valuable privilege.

There was a time when such franchises were granted too freely and too cheaply; but all well managed cities have since learned to appreciate their value and to drive hard bargains with the public-service companies. The corporation is now usually required to pay the city a round sum or a percentage of its annual earnings, or both, for the privilege it seeks. It further agrees to be bound by the conditions named in the contract. Under

these conditions the city is able to limit, or to invoke the State's power to limit, the company's charges for service and to enforce such regulations as may be necessary for the public protection.

TRANSPORTATION PROBLEMS

6. Street Car Service.—Street car service has been very stimulating to city growth, especially since the introduction of electric power through the familiar trolley. It has encouraged the spread of city life toward the suburbs in ways that were undreamed of in the old days when horse-drawn cars were the main reliance of city people for transportation purposes. In every growing city the routing of street railway lines to serve the needs of the people in the newer sections has been a serious problem. Still more serious has been the problem of providing adequate service in the "rush hours"—the hours at the beginning and close of the business and the industrial day.

The World War brought another problem in this line of public service. The increased cost of operation, including materials, equipments and wages to employes, was severely felt by railway companies. They also found it difficult to finance their service and improvements. In consequence, the companies, as a rule, insisted that they must have additional revenue. They increased their fares or demanded such increase in cities where the franchises left the matter to city authorities or State boards. There has been much agitation of the issues thus raised in the cities affected. In most cases the disputes between the railway companies, on the one hand, and the city authorities and the public, on the other, have hinged on the question whether or not the railway properties were "over-capitalized."

Let us suppose that a railway company has issued stock and bonds to the amount of \$2,000,000. That is the valuation it puts on its properties, and it claims the right to earn a certain dividend, or income, let us say eight per cent, on that amount. This would be \$160,000 a year above all expenses. But the city authorities may claim that the securities of the company, namely, its stock and bonds, have been inflated (or "watered") to show an excessive value. They demand that a much lower estimate be made of the value of the railway property on which the company claims its eight per cent earnings. By the decision of such questions the company's right to increased fares must be determined.

7. **The Agitation Over Fares.**—In some cities a solution of the problem has been worked out through what is known as a Service-at-Cost arrangement between the company and the city. The two agree on a reasonable valuation of the company's property. On that basis the company consents to accept a certain revenue each year, and to fix its fares at such a rate that the revenue will be supplied. Beginning with a five or six-cent fare, if the returns show after a stated period that the company cannot earn the fixed revenue, or dividend, it can raise its fares. If, on the contrary, it has earned a surplus above the dividend named, it must reduce its fares.

The principle underlying this agreement is that the company will furnish its service at cost to the public. "Cost" here means all expenditures for operation, for materials, equipments and necessary improvements, for interest on its bonds and for a fair dividend to its stockholders. The bonds are so many mortgages on the railway properties and the interest on them must be paid if the road is to be kept out of bankruptcy. The stocks are shares in the business, and their market price, or

value, is determined, under ordinary conditions, by the earnings of the road. When the Service-at-Cost scheme is adopted, the city allows a fair dividend on the value of the property as a part of the legitimate cost of running the road.

The chief obstacle to the Service-at-Cost plan is the difficulty of reaching an agreement between the city and the railway company as to what constitutes a fair value of the company's property.

Regarding all forms of public service by corporations in our cities, the effort of late years has been to settle the basis of capitalization—that is to say, the property value on which fair earnings, or dividends, may be allowed—in such a way that the interests of the stockholders and of the people who pay for the service will be safeguarded.

In practically all the States are laws requiring the fullest publicity of the affairs of corporations, and the municipal authorities are thus placed in possession of the facts relating to the management of the public-service companies. Such facts take the form of reports regularly filed with a specified State official. By this means the city officials can scan the balance sheet of each local corporation, whether railway or other, and ascertain the amount of its revenues and expenditures. Where an honest basis of capitalization is determined upon by the city and the corporation, it is easy enough to decide what constitutes a reasonable charge for transportation or lighting or any other service a company may render.

The city government can set a good example to its subordinate corporations by performing its own duties with constant fidelity. Most students of the subject believe that such service as transportation and lighting can best be intrusted to well regulated corporations.

The cases where the community itself renders these particular services are as yet few in number.

8. The City's Business Concerns.—The city administration has a great variety of responsibilities in addition to those which we have already considered. It maintains a business establishment in which the municipal taxes are assessed, collected and expended. Associated with it is an auditing department in which every disbursement of the city is checked off and verified and every claim against it undergoes careful scrutiny before it is allowed.

The city, like the thrifty business man, makes contracts for labor and material when expenditures are contemplated outside of the regular routine, as for public buildings and improvements. All outlays or intended outlays of that character are matters of public record, no matter what special form of government a city may have. Hence if inefficiency or extravagance in such undertakings goes unheeded, it is generally the fault of the citizens, and not of their municipal system. If for any reason the important transactions of a city government are kept secret for any length of time, it is because public opinion is asleep or indifferent; and such drawbacks are becoming more and more rare in American communities.

CITY ATTRACTIONS

9. The Pavement Problem.—The provisions of each city government for the convenience and comfort of the citizens are necessarily subject to daily inspection. Under this head good pavements must be included, and not only well constructed, but well kept pavements. The visitor to a city often derives his first estimate of its enterprise from the quality and general appearance of

its pavements. It is needless to say that neglected and damaged roadways are an unfailing sign of careless local government and perhaps of deficient civic pride.

Pavements littered with waste paper or other refuse are as unsightly, if not as dangerous, as broken pavements. A city's care of the streets does not end when the winter's deposits are removed from them in the spring and they are sprinkled in the summer. Thorough street sweeping by gangs of "white wings," as they are often called, is one sure sign of good municipal house-keeping. A famous street commissioner in New York City, Col. George Waring, once upon a time startled that big community by dressing his sweeping force in white working uniforms. At first the costume seemed out of place in the midst of the dirt accumulations and scattered rubbish on a city's pavement. But, as a symbol of cleanliness, it probably gave the men a better sense of diligence and discipline, and it put an entirely different aspect on the operation of street cleaning. Some newspaper wag christened the newly uniformed workers "white wings"; and so they were termed in the many other cities that adopted Colonel Waring's ingenious plan. The "white wings" do not always remain spotless, but they help wonderfully to make a city presentable, and a pride to its people.

10. The City Parks.—The parks of the city are among its most valued possessions. Some of them are inheritances from the days of village infancy, but in most communities the parks are comparatively new creations, purchased and laid out in pursuance of the sound policy of keeping the city's attractiveness and healthfulness abreast of its growth.

As the city broadens out, one of the first concerns of its officials, if they are of the right sort, is to acquire

park lands, generally in the suburbs where the cost per acre is relatively cheap. Fortunate are the cities where such sites, favored with a generous proportion of trees and shrubbery, are obtainable at a moderate outlay. The city usually pays for new park lands with the proceeds of special bond issues. This is one of the

safest financial ventures of a progressive community, because the laying out of a new park always encourages the building of homes in the vicinity and the value of the park increases in proportion to the drift of population toward its neighborhood.

Unlike public buildings or other city structures, a park becomes more and more useful with age for the purpose to which it is devoted. Hence, when long-time bonds issued for park reservations are finally paid off, the citizens have the satisfaction of knowing that the investment is far more valuable than it was at the beginning.

Parks not only add immensely to the beauty of



Brown Bros.

WHERE PLAY VARIES STUDY

A spacious city playground of the right sort.



Brown Bros.

TAKING A HAND

These lads from a civics class are co-operating with the street department in preparing some back lots for use as a playground for the benefit of the small children of the neighborhood.

the city, but they are particularly to be prized as resorts for rest and recreation in the seasons of fine weather, especially for the poor, who are denied any opportunity to enjoy summer vacations.

11. The Advent of the Playground.—In the old days parks were used by young people for baseball and other games, and this interfered, in the case of the smaller parks, with the proper care of the grass plots, flower beds and the other natural attractions that make such resorts



Brown Bros.

SPRUCING UP THE SCHOOL GROUNDS

Civics students of both sexes give their attention to beautifying the High School surroundings.

inviting. But the recreation needs of youth had to be provided for. To meet this want public playgrounds have been established in up-to-date cities. Here the youngsters can indulge in outdoor sports and exercises to their hearts' content without fear of damaging park lawns, shrubbery and gardens. The policy of purchasing blocks or parts of blocks covered with cheap buildings in congested

sections of cities, and converting them into playgrounds for the benefit of the children who would otherwise do their playing in the streets, is now a popular one with enterprising municipal governments.

12. The Trees of the City.—Consideration of the parks brings us to a closely related question—the care of the city's trees. Stately shade trees, set at proper intervals, are objects of beauty and sources of public comfort on residence streets, and they cannot be prized

too highly, inasmuch as they cannot be replaced if they are permitted to die from neglect. In cities that are efficiently governed it is a part of the duty of the park department or bureau to keep watch on the condition of the trees, to require the cutting down of selected trees where the street row is overcrowded and to guard against the insect pests that too often destroy valuable trees. This is a duty in the performance of which the city officers are entitled to the zealous assistance of private householders.

13. The Need of City Planning.—In the matter of general attractiveness the city can attain the best ideals only by scientific planning. The city that “just grows,” like Topsy, may struggle along in a way, but it is never a model city to live in. There are few American cities now-a-days that do not follow some well-considered plan for the laying out of new streets. When you see an abnormally narrow street in a city, or a street that leads nowhere, you can make up your mind that it is a relic of certain old days when the community was no more than a group of homes assembled without much regard to the width or direction of its roadways. Such cities have learned by past experience that their further development, at least, must be planned on proper lines if they are to expand in the right way. The newer cities have profited in this respect from the examples of their older sisters.

The modern system of city planning began with the modest efforts of far-seeing officials to map out new streets, or extensions of existing streets with greater regard for the city's residential needs and to insure correctness of outline and symmetry of future growth. In time this sensible practice of looking ahead was broadened so as to include other city activities, among them the laying

of sewers, the location of parks, the regulation of new building, the removal or prevention of street obstructions and of defacements like offensive bill-board advertising. It is said that the enchanting White City at the Chicago World's Fair in 1893, which was viewed with delight by hundreds of thousands of visitors from every section of the country, gave a great impetus to the movement for wiser city planning.

14. Commission Powers and the Zoning System.—

The duty of city planning wherever the policy is adopted is intrusted to a commission of public spirited citizens, who usually serve without pay. In most of the cities where such commissions exist, their power is limited to suggesting plans for city improvement and beautification which the responsible authorities, elected by the people, can adopt or reject as they may desire. But in other cities, in which public opinion is more particular on the subject, the city planning commission is armed with larger authority, which enables them to enforce the reforms and regulations necessary for carrying out their programs.

The commission thus organized has power to locate public buildings, monuments, highways, parks and playgrounds. It exercises a still greater power under what is known as "the zoning system." By this system the city is divided into zones, each of them reserved for certain kinds of buildings. For example, some zones are set aside chiefly for residences, though churches, hospitals, libraries, schools and museums are admitted. From these zones, all forms of business and manufacture are excluded. Other zones are restricted to business or commercial purposes, and factories are barred. The zones of the third class are open to factories and shops of every description, and any kind of legitimate industry

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can be here established. The advocates of the zoning system claim that its chief merit is that it protects fine residence districts from invasion by structures or occupations that would detract from their beauty and value. The division of cities into zones that permit the separation of its various activities and at the same time allow proper seclusion to the home sections is now regarded by many as one of the best achievements of the city-planning reform.

The general mission of the city-planning commission is to direct city development according to the most approved principles of beauty and utility. The whole system, in its modern development, seems destined to grow in public favor.

QUESTION GUIDE TO CHAPTER XVIII

1. For what vital purpose are the public schools supported by the city? Is the mental training of children a matter of choice with parents and guardians? What is the theory underlying the system of compulsory education?

2. How are the funds provided for the support of the schools? Why is school taxation made general instead of falling on the parents benefited?

3. State the reason why the public library is a valuable agency of education?

4. Mention an example of useful social service that became familiar during the war days.

5. To what class of service is the term "public utilities" applied? Name some of the forms of public service that come under this head. Are they rendered, as a rule, by city governments or by privately owned corporations? How does the water supply usually differ from other kinds of public utilities? What is the contract called under which the privately owned companies, such as railway and lighting companies, serve the public? What is the nature of the agreement; and what are some of the privileges it confers on the companies? What right does the city or the State assume with regard to the charges of such companies for service?

6. What is the relation of street car service to city growth? What problems have arisen in connection with this service? What difficulties have confronted the street car companies during and since the war time? When the companies have asked for an increase of fare, what question has come to the front?

7. Explain the Service-at-Cost agreement which some cities have adopted in determining street car fares. What is the principle back of this arrangement, and how does it work? What is the difference between the bonds and stocks of railway companies? What merit is claimed for the Service-at-Cost system? What regulation do the States enforce in the interest of corporation publicity? What advantage do the city authorities gain from these publicity laws?

8. Tell something about the city's system of business and accounting. For what class of public undertakings are written contracts required?

9. What can be said of the city's duty in the matter of street paving? What special street operation is considered a sign of good municipal housekeeping? What is the origin of the term "white wings," as applied to street cleaners?

10. How do the public parks rank among the city's possessions? What is the policy of progressive cities with regard to new park sites? How does the city generally raise funds for the purchase of park lands? Why are public parks considered desirable investments? What double benefit does a city derive from its park reservations?

11. Why is it considered wise to supplement the parks with public playgrounds?

12. What feature of street attractiveness in the residential section calls for the attention of the city authorities? What is their responsibility in this respect?

13. What system is now widely adopted for directing the city's growth? In what way is city planning especially valuable in mapping out the city's expansion? To what kind of official agency is city planning commonly entrusted? What is the present scope of city-planning operations as a rule? From what source did the city-planning movement receive a powerful impulse?

14. How are city-planning commissions usually made up and how do their members generally serve? Indicate the difference in the powers of such commissions. What general power is possessed by commissions of the more advanced type? Describe the "zoning system." What is the advantage claimed for it?

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TEST QUESTIONS AND HINTS

1. Prepare a brief composition setting forth your own idea of the public school system and its benefits.

2. Do you think there is any injustice in levying a general tax for the support of the schools, in preference to a tax only on the parents or guardians of the children attending school? [This might be an interesting subject for debate by a civics class.]

3. How many schools does your city conduct? How are they graded? What is the total attendance, according to the latest report of the Superintendent of Schools? What is the number of high schools and the enrollment of pupils in each?

4. How and by what official authorities are the school affairs of the city managed? If by a board of education, state the number of members.

5. How are the Superintendent of Schools, the Assistant Superintendent or Superintendents, and the principals and teachers of the various schools appointed?

6. What forms of social service, if any, such as thrift kitchens and lecture courses in domestic, or household, economy, have been established in your city? Are annual movements for spring gardening included in this line of local work, under newspaper auspices or otherwise?

7. What drawbacks in the transportation, lighting or other corporate service of the city have come under your observation?

8. Do you consider the pavements of your city well constructed and well kept? What in your opinion is the best paved street in your city? Is the local street-cleaning force uniformed? What do you think of Colonel Waring's plan of garbing them in white?

9. Which is your favorite city park, and why? Would you say that your city is sufficiently equipped with park and playground space?

10. Do you know of any street in which the trees are too crowded?

11. If there is a city-planning commission in your community, can you name its members? Do you know of any sections of your city that might be improved in appearance by reasonable attention from the commission?

12. Has the zoning system been introduced in your community? What residence blocks of your city include structures which you consider out of place there?

13. Does your own city compare favorably in general attractiveness with other cities you have visited? Are there tenement or cheap apartment houses in your city so overcrowded and unsanitary as to be unfit for occupancy?

14. What is the population of your city according to the United States census of 1920, and what is the amount of the increase over 1910? Can you think of any way by which the municipal authorities or civic organizations might induce more outsiders to settle in your city?

PART V
THE PARTIES



Brown Bros.

THE FIRST INAUGURATION

George Washington Taking the Oath of Office as President
of the United States

CHAPTER XIX

HOW PRESIDENTS ARE NOMINATED

The choice of a candidate for the Presidency is so striking a peculiarity of the American system that it deserves a full examination.—JAMES BRYCE [*"The American Democracy"*].

1. The National Party Convention.—The national convention for the nomination of candidates for President and Vice President is, in the case of the leading parties, among the most interesting and dramatic of our political institutions or processes. It is also unique in the sense that it is under the control of no written law, except so far as the election of its delegates is governed by the primary laws of the States.

The machinery of the national convention is first set in motion by the existing national committee of each political party. All the States are represented on each national committee. The custom of the leading parties up to 1920 was to choose one member of the committee from each State, but in that year the Democratic party doubled the membership by adding a woman member from each State to the committee. The national committee usually meets some time in the winter months preceding a political campaign, and issues its call for the national convention, naming the date and selecting the city for its assembling. In this call the party in every State is requested to select its allotted number of delegates to the convention.

2. **The Membership of Conventions.**—In the choice of delegates the general principle of selection is the same in the two leading parties, but on the Republican side it has been modified in practice. For a long time the plan for each party was to select four delegates-at-large for each State, two for each Federal Senator; and to name two other delegates, who are called district delegates, for each Congress district. Thus, in theory, the entire number of delegates from each State is exactly double the number of its Senators and Representatives in Congress.

The Democratic party has adhered to this rule of selection, but the Republican party has changed it to some extent by allowing only one delegate, instead of two, to districts in which the Republican vote is less than 7,500. The purpose of this change was to limit the representation in Republican conventions from eleven Southern States, in which the party vote is small.

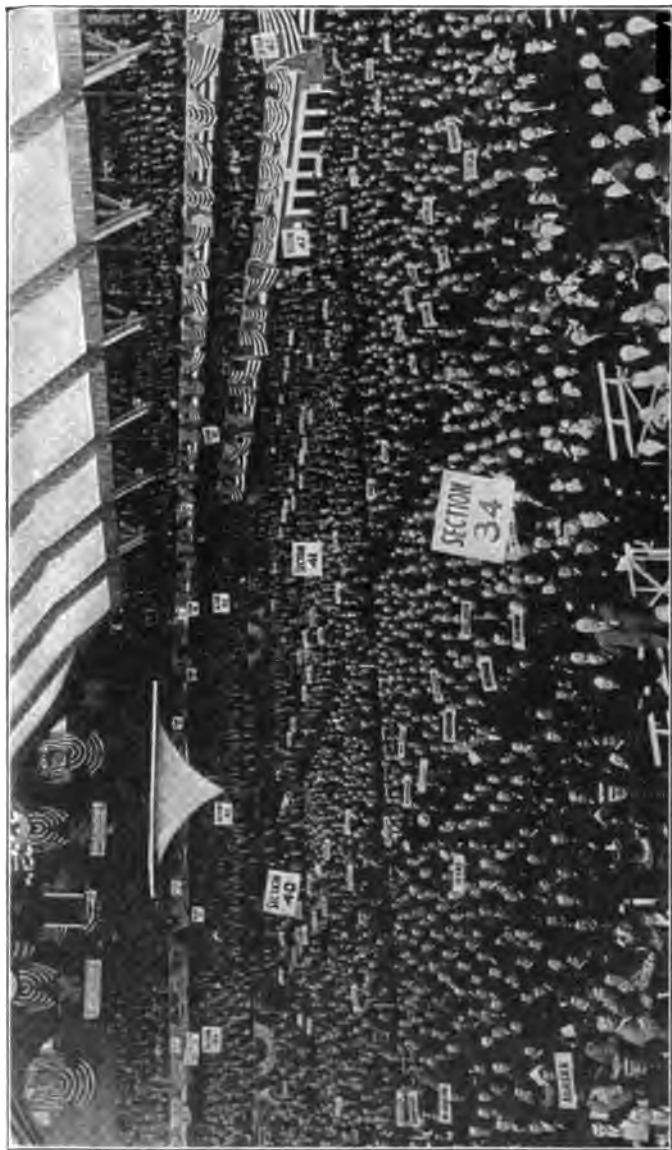
To illustrate the effects of these two different rules, it may be stated that the Democratic national convention of 1920 was composed of 192 delegates-at-large, four for each of the 48 States, and 870 district delegates, two for each of the 435 Congress districts in the country; and to these were added thirty delegates from Alaska, Hawaii, Porto Rico, the Philippines and the District of Columbia—six to each territory or dependency. The total was thus 1,092. The total for the Republican convention was 984. Under the Republican rule referred to, 88 Congress districts were allowed only one delegate each. Of these two were in New York city, one was in Boston and the other 85 were in the South. In the Republican convention the territories were represented by ten delegates—two from each—or twenty less than the Democratic territorial quota. These figures account

for the difference of 108 in the membership of the two national conventions of 1920.

3. How Delegates Are Chosen.—The delegates proportioned to the Representatives are chosen by Congress districts. Formerly the delegates-at-large were appointed at State conventions and the district delegates, usually, at conventions held in Congress districts. But of late years, with the spread of the direct-primary reform, all of the delegates have been selected in most of the States by the party voters at the primaries. In a number of States not only are the delegates elected by direct primaries, but under a system known as "Presidential preferential primaries" the voters are expected to indicate their choice for President, and the delegates elected are bound, at least in the early convention balloting, by the instructions thus given. Thus, when a national convention assembles, some of the delegates are pledged in advance to specified candidates under the orders they have received from their home constituencies.

It is the custom of the parties to elect an "alternate," or substitute, for each regular delegate, to take the latter's place if he should be kept away by illness, or for some other reason absent himself, from the sessions.

4. Convention Sites and Scenes.—The leading conventions are held in cities of the first rank, and the national committee generally gives its preference to some conveniently located city. For sixty years past Chicago has thus been favored more than any other city. In 1920 the Democratic National Committee made an extreme departure from the rule by choosing San Francisco as the place for its party gathering. Of necessity the leading party conventions are held in large auditoriums, which are either permanent structures in big convention



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IN THE CHICAGO COLISEUM

Scene at a Republican national convention. Since 1860, when Lincoln was nominated in Chicago, that city has been a favorite with the leading parties for national convention purposes. The great Chicago Coliseum was chiefly designed as an auditorium for national party gatherings.

cities or temporarily built for the purpose. The public attendance at such affairs measures up to the full capacity of the hall, which is usually built to accommodate from 12,000 to 20,000 persons.

Owing to the popular interest excited by these conventions and the gravity and importance of their proceedings, they rank high among the dramas of real life in the United States. The great crowds are wrought up to an extreme pitch of fervid enthusiasm by occasional and prolonged outbursts of cheering for popular candidates. This intensity of emotion and the variety of human coloring in a mighty assembly, together with the music, action and thrilling excitement, are features of a spectacle rarely equaled, and never forgotten by the participants and witnesses. Convention week in a great city is always a red-letter week. There is no mystery in the eagerness with which civic committees from such communities bid for convention privileges, or in the large funds they pledge to provide conveniences and attractions for the throngs of visitors.

5. Convention Proceedings.—A convention is called to order by the chairman of the national committee of the party conducting it. Its session is then opened with prayer, after which comes the roll-call of delegates. The committee chairman also names the temporary chairman of the convention, who makes what is called the "keynote" speech. This committee's choice for chairman—a sort of recognized committee right—is generally accepted by the convention, but in some notable cases a rival nomination has been made for the post of presiding officer. One noteworthy incident of this kind occurred at the Republican convention in Chicago in 1884, when the committee selection was voted down by the convention; and another at Baltimore in 1912, when the

Democratic committee's choice was opposed, but was sustained by a majority vote.

Another feature of the opening parliamentary proceedings is the appointment of committees—one on credentials, a second on resolutions, and a third on permanent organization. The last named committee has



Underwood & Underwood.

A PACIFIC COAST CONVENTION

In the summer of 1920 the Democrats held their national convention in the Civic Auditorium at San Francisco. This convention was the first important national party gathering held on the Pacific slope. Prior to 1920 the most western site for a national convention of one of the great parties was Denver, where the Democrats met in 1908.

the easiest task, particularly as the temporary organization is often made permanent. It is the duty of the resolutions committee to draft and submit the platform of party principles, or the statement of claims and issues on which the party appeals to the country. It is the duty of the credentials committee to decide contests that may have occurred for seats in the convention. Both of these

committees are charged with serious responsibilities. In nearly every convention there are rival claimants for some of the convention seats, and the settlement of their claims sometimes affect the interests of Presidential candidates. In the Chicago convention of 1912 more than seventy seats were strenuously contested by the Taft and Roosevelt factions, and the chief interest in the early stages of the convention centered in the decisions of the committee on credentials. Convention contests for seats arise from the disputed elections of delegates in the home districts. For a long time they have been most numerous in the Republican minority party in the Southern States.

It is important to note that members of convention committees are usually designated by the State delegations. Each delegation forms its own organization before the convention opens, choosing a chairman who serves as its spokesman at the sessions of the convention. Though the delegations are supposed to name the members of the various committees, these members are sometimes chosen in advance by conventions or State committees in the respective States long before the meeting of the convention.

6. Naming and Voting for Candidates.—Except in conventions where the result is clearly indicated in advance, the most exciting stage is reached when the balloting for Presidential candidates begins. The various candidates are first placed in nomination with set speeches. The roll of States is called in alphabetical order for nominations, beginning, of course, with Alabama. If the first State makes no response, the next one is called, and so on. As soon as a name of a State is reached which has a candidate to offer, a delegate from that State rises and nominates its candidate. It often happens, however, that the delegation from a State

gives way to a delegate from the State in which its preferred candidate resides, and the spokesman from this second State delivers the nominating speech. For example, if the Arkansas delegation favors Mr. Brown of Indiana for President, the chairman of the Arkansas delegation may announce that his State yields to Indiana; and this concession gives Indiana its chance to make its Presidential entry early. But these are simply parliamentary agreements which have little to do with the result.

When the nominations have all been made and seconded, the roll is again called by States. For each State the vote of the delegates is cast as a unit by the chairman of the delegation, or the delegation is divided between two or more candidates.

7. The Two-thirds Rule and Unit Rule.—At this point we must note a marked difference in the Democratic and Republican methods of choosing Presidential candidates by ballot. Since the introduction of the convention system back in the thirties, the Democratic party has maintained a rule requiring a two-thirds vote of the convention delegates for nomination for President and Vice President. The theory underlying this arrangement was that by insisting upon this two-thirds rule, as it has always been called, there would be a better assurance that the will of the party would prevail than if a bare majority should be permitted to nominate. Another reason for the original adoption of this rule was the rivalry between the Northern and Southern sections of the party, which inspired each section to guard against giving the other a strategic advantage. The Republican party, on the other hand, has adhered steadily to the majority rule in making nominations. One would naturally suppose that the Republican conventions would

require less time for their balloting on that account; but, as a matter of fact, there has been little difference in the experiences of the two parties in that respect. Where party sentiment strongly favors the nomination of a given candidate for the Presidency his vote in the convention naturally exceeds two-thirds on the first or on a later ballot. In the case of a close rivalry for the nomination among several candidates, a considerable number of ballots is generally taken, whether the nomination is made by a majority or by two-thirds.

The unit rule is one requiring all the delegates from a State to cast the same vote for a candidate who may be favored by the majority of them. Let us suppose that there are ten delegates from a State and six are for Mr. Brown and four for Mr. Smith for President, and that at a meeting of the delegation the six Brown delegates carry a motion that the entire delegation vote in the convention as a unit. In that event, the chairman during the balloting casts the ten votes of the State for Mr. Brown, and the Smith minority has no right of protest. Of late years the unit rule has been abandoned by Republican conventions. It was still prevalent to a great extent in Democratic conventions up to 1916. In such cases the convention itself adopted the unit rule for delegations, or the delegations were ordered by home conventions to adopt it, or the delegations themselves adopted it, according to circumstances.

Even in Democratic conventions, however, many delegates are now left free to declare their individual preferences. Sometimes when the balloting for President is prolonged the State delegations may vote to rescind the unit rule. In the Baltimore convention of 1912, which gave Woodrow Wilson his first nomination for President, comparatively few of the State delegations

clung to the unit rule to the end, and some of them divided from the very beginning of the balloting. In 1920 the Democratic national convention adopted a resolution abolishing the unit rule for States in which the district delegates are chosen by the party voters under direct-primary laws.

8. Convention Contests.—Contests over the reports of credentials and platform committees are uncommon in national conventions. The convention generally accepts them without debate. But like other convention rules this one has been broken on memorable occasions.

For example, at the Democratic national convention in Chicago in 1896, there were two reports from the committee on platform (the declaration of principles). The majority report declared for free silver and the minority report strongly opposed that stand. In the heated controversy which followed William J. Bryan delivered a remarkable address on behalf of the majority report. To the powerful effect he produced upon the delegates to the convention he chiefly owed his first nomination for the Presidency, though his name had been scarcely mentioned in that connection before the convention met.

At the Republican convention of 1912, which was the scene of the historic party breach that led to Theodore Roosevelt's nomination by the Progressive party, the report of the committee on credentials (or contested seats) was the principal bone of contention. It was severely condemned by the Roosevelt delegates.

Our leading national conventions have been the scenes of stirring displays of oratory, but in late years this rhetorical feature has not been so marked as it was from twenty to fifty years ago. This we may partly attribute to the decline of oratory as a moving force in

American politics, with the spread of newspaper and magazine reading and the growing importance of literary propaganda in Presidential contests.

9. The "Dark Horse."—When a man is nominated by a national convention of one of the great parties whose name has not been previously canvassed in connection with that honor, he is known in political parlance as a "dark horse." There have been many unexpected Presidential nominations by party conventions, but not more than five real "dark horses" have been discovered.

The first appeared in the convention arena in 1844, when Martin Van Buren was defeated for the Presidential nomination by James K. Polk. Polk had been Speaker of the House of Representatives and Governor of the State of Tennessee, but there had been no movement in his behalf for the Presidential nomination, which was generally expected to go to ex-President Van Buren. The two-thirds rule prevented the success of Van Buren, who had a majority of the delegates on the first ballot; and Polk was subsequently pressed as a compromise candidate and nominated.

Franklin Pierce, nominated by the Democrats in 1852, was the second "dark horse." The candidates leading in the early convention balloting were James Buchanan (afterwards President), Stephen A. Douglas, Lewis Cass, and William L. Marcy. Not until the thirty-sixth ballot was Pierce's name presented to the convention. He was nominated on the forty-ninth ballot.

In 1868 the Democratic national convention nominated its chairman, Horatio Seymour of New York, by a stampede of the delegates on the twenty-second ballot, though he was not a candidate and at first declined the honor. He had received no votes of delegates in the long balloting, except nine stray ones on the fourth roll call.

The fourth "dark horse" was General James A. Garfield of Ohio, who was nominated by the Republican convention at Chicago on the thirty-sixth ballot, after a stubborn contest, chiefly confined to General Grant and James G. Blaine. Garfield himself had supported John Sherman, whom he placed in nomination in an eloquent speech. Before the convention there had scarcely been a serious suggestion of Garfield's candidacy, though he had been an influential leader of his party in Congress. Sherman was then the "favorite son" of his home State. On nearly all of the various ballots Garfield received but one or two votes, and on some none at all; but on the thirty-fourth ballot seventeen delegates voted for him, and this proved to be the signal for the whirlwind of ballots in his favor which gave him the nomination.

Mr. Bryan may be called the fifth of the dark horses. He was such in the sense that there was scarcely a mention of his possible candidacy, at least outside of his own State, before the Democratic convention of 1896 met. His experience differed from the others cited in the respect that he received 119 votes on the first ballot.

In addition to these surprising developments, there have been instances where candidates with only a moderate backing on the earlier ballots have steadily gained strength and finally won the prize from leading competitors. Such was the case with Rutherford B. Hayes of Ohio in 1876 and Benjamin Harrison of Indiana in 1888, both Republican nominees. The nominees of 1920, Senator Warren G. Harding and Governor James M. Cox, also belong in this group. But candidates of this type cannot be classed among "dark horses."

10. The Second Place on the Ticket.—After the main business of a convention is completed by the choice of

a Presidential candidate, the naming of his 'running mate,' the nominee for Vice President, excites only a limited interest. In assigning this honor the aim of the convention is generally to select a candidate who is strong in a doubtful State—a State in which the political parties are closely matched—from another section of the country than that in which the home of the Presidential nominee is located. When an Eastern man is chosen for the Presidency, the second place on the ticket almost invariably goes to the West; and the reverse of this rule is followed when the Presidential candidate hails from the West. Since the Civil War, conventions have shown a strong preference for New York and Indiana in choosing their Vice Presidential nominees.

11. The National Committee.—With the selection of the national tickets, the campaign work of the parties is fairly begun. One important task in this relation is the selection and organization of a new national committee, which is the directive force in the canvass. Its membership is determined upon by the State delegations to the national convention, but the wishes of each candidate for President are decisive in the selection of the chairman of the committee.

QUESTION GUIDE TO CHAPTER XIX

1. What body makes the preliminary arrangements for national conventions?

2. What was for many years the plan followed by the leading parties in their selection of convention delegates? How many convention delegates are named from each State? The four delegates representing the two Senators are known as what? What do the district delegates represent? How was the rule modified by the Republican party? As a result, what was the difference in size of the Democratic and Republican National conventions in 1920?

3. How are the district delegates chosen? How are the delegates-at-large appointed or elected? What is the purpose of the Presidential preferential primaries adopted by some States?

4. Where are conventions held? Name some of the striking features of a convention.

5. How is the convention called to order and opened? What are the principal convention committees? What is the duty of the resolutions committee? Of the credentials committee? Are the claims to seats in the convention ever disputed? Cite a conspicuous incident. By whom are the members of the various committees generally named and what representative acts as spokesman of each State delegation?

6. How are the Presidential candidates first placed in nomination? How does the convention proceed? When a State has a candidate, how does it answer to the roll call? When is the next roll called? How does each State cast its vote?

7. What is the Democratic system of voting at conventions? Give reasons assigned for the adoption of the two-thirds rule. How does the Republican convention rule differ from the Democratic? Is this method necessarily time-saving? What do you understand by the "unit rule"? By which party is it largely enforced? In what ways may the delegates be instructed to adopt this rule?

8. Are the reports of platform committees ever disputed? Give an example.

9. What is a "dark horse" candidate? Who was the first nominated? Name some of the other so-called "dark horses" and give some of the circumstances connected with their nomination.

10. What policy is usually followed in nominating the Vice President? What States have frequently been favored in this connection?

11. What is the first important party task when the campaign is launched? By whom are the members of the national committee appointed? How is the chairman of the national committee generally chosen?

CHAPTER XX

HOW PRESIDENTS ARE ELECTED

The mode of the President's appointment presented one of the most difficult and momentous questions that occupied the deliberations of the assembly that framed the Constitution.—CHANCELLOR JAMES KENT.

1. The Electoral College.—Presidents are in effect elected by the votes of the people in the different States. But the method of election prescribed by the Constitution is curiously indirect and also ingenious. The method itself and the reasons for it are an interesting and necessary branch of political study.

The easiest and simplest way to provide for the election of Presidents would have been by direct vote of the people. But this plan did not find favor with the makers of the Constitution. They decided that it would be safer in a republic which was of the nature of a bold experiment in popular self-government, to establish an intermediate agency for the choice of the President. Hence the creation of the body known as the Electoral College.

In pursuance of this purpose, the Constitution ordained that "each State shall appoint in such a manner as the Legislature thereof may direct a number of Electors, equal to the whole number of Senators and Representatives to which the State may be entitled in Congress." It was to these electors that the choice of

the President was confided. They were originally required to meet in their respective States and to vote, each of them, for two persons. The person who should receive the largest number of votes of Electors was to be the President and the person having the next largest number, the Vice President; provided, however, that a clear majority of all the Electors had voted for the two leading candidates. In cases where the two leading candidates were tied, or where none of the candidates had a majority, it was required that the House of Representatives should elect the President and the Senate the Vice President.

In 1804 this provision was altered by the Twelfth amendment, by which each Elector was obliged to cast separate ballots for President and Vice President. The need of this change was felt in 1800, when Thomas Jefferson and Aaron Burr received the votes of exactly the same number of Electors. As a result, the election went to the House of Representatives where the strife aroused much excitement and bitterness. Fortunately for the country, Burr was defeated in the House; but this unpleasant experience pointed to the desirability of a separate vote in the Electoral College for President and Vice President.

2. The Original Plan.—Inasmuch as the Legislature of each State was authorized to decide how the Presidential Electors should be appointed, the system was far removed from direct election of President by the people. Furthermore, there was nothing in the Constitution to keep the Electors from exercising absolute freedom of choice. Their very title of "Electors" implied such freedom. They were to be appointed to discharge a certain duty, to-wit, the election of a President and Vice President. No limit was set to their discretion

except that the men for whom they voted should possess certain qualifications of age, nativity and residence in order to be eligible for the office. The Legislature in each State was, of course, chosen by its voters, but the voters had nothing to say about the method of appointing the Electors and no way of controlling them. Theoretically, therefore, the Electoral College was an independent body created every four years, by methods designated by the Legislatures, to perform a specified task.

3. A Radical Change.—But it was not very long before the plan of giving the Electors discretionary power to elect Presidents was quietly changed. Today the Presidential Electors are chosen directly at the polls in all the various States. They are pledged in advance to specified candidates for the Presidency. When they are chosen at the polls they are bound by every consideration of honor, though not by any constitutional mandate, to carry out their pledges.

At the beginning the methods of appointing Electors adopted by the State Legislatures varied. In some States the Legislatures named the Electors directly. In others it passed laws providing for the choice of Electors by the voters in Congress districts. In still others, the Legislature authorized the voters to name the Electors on a general State ticket. For some years the three different methods were in force. Gradually the first two were abandoned, and finally the third became universal.

4. Electors as Mere Agents.—In the meantime the Electors had given up every right of personal preference in the choice of President. Indeed, it may be said that, although the Constitution conferred upon them full power of decision—at least to the extent of opposing no bar to its free exercise—the Electors were always responsive to



Underwood & Underwood.

COUNTING THE ELECTORAL VOTE

At this joint session of the Senate and House in February, 1921, the votes of the Electors chosen in the preceding November were canvassed and counted, and Vice President Marshall, presiding, proclaimed the election of Harding and Coolidge.

public or party opinion. In 1788 and 1792, they registered the popular demand by voting unanimously for Washington. In 1796, the first Electoral contest for President arose, and the Federalist Electors supported Adams, then clearly the choice of the new party. In 1800 the Republican party of that day was similarly committed to Jefferson, and the Jefferson-Burr tie was an accident. Thereafter, the chosen Electors were generally regarded, and regarded themselves, as mere registers of the popular will in their respective States.

5. How the Electors are Assigned.—It is seen that by the constitutional provision each State is entitled to a number of Electors equal to the total number of its Senators and Representatives in Congress. This point may be illustrated by reference to three States, New York, Nevada and Ohio—the most populous State, the least populous State, and a State of the middle class, respectively. In 1920 New York had forty-three Representatives in Congress, in addition to its two Senators, and its electoral vote was therefore forty-five. Nevada had two Senators and only one Representative, and its electoral vote was three; while Ohio, with twenty-two Representatives and two Senators, was credited with twenty-four electoral votes. At that time the entire membership of the Senate, representing forty-eight States, was 96 and of the House of Representatives 435. The total electoral vote for the entire country was therefore 531.

6. Where the Smaller States Benefit.—One effect of this ingenious system of Presidential selection is to give the smaller States of the Union a larger influence in the choice of President than they could claim if their number of Electors should be determined by population alone. Whatever its size, each State is entitled to two Electors for its two Senators, and this confers upon the little

States an advantage in the Electoral College similar to that which they possess in the matter of representation in the Senate.

7. Plurality Versus Majority.—Another important and exceptional feature of the electoral system is still to be considered. The Electors for each State are chosen by a *plurality* vote at the polls.

It should here be explained that the plurality vote is that which leads all the others; while a majority vote exceeds all the others combined. Thus, if Mr. A. has 50,000 votes for a certain office, and Mr. B. has 45,000 and Mr. C. 40,000, Mr. A. is elected by a plurality of 5,000, his lead over his nearest competitor. But Mr. A. lacks a majority. Why? Because the total vote for his two rivals is greater than his. But suppose that Mr. A. has 80,000, Mr. B. 35,000, Mr. C. 20,000. In that event Mr. A. has a plurality of 45,000 (his lead over Mr. B.); and he also has a clear majority of 25,000, because he has that many votes more than Mr. B. and Mr. C. put together. The political student should always keep in mind this distinction between majority and plurality in examining election returns.

No matter how small the plurality for the Electors in a given State, the candidate receiving it is credited with the full electoral vote of the State. This leads to some very curious results. To cite an extreme case, in 1884 the Electors for Grover Cleveland carried New York State by only 1,047 plurality against the Electors for James G. Blaine, in a total vote of nearly 1,200,000. In the same contest the Blaine Electors led the Cleveland Electors in Vermont by more than 22,000 in a total vote of less than 60,000. In consequence, the entire number of Electors in New York—thirty-six at that time—was given to Cleveland, while Blaine gained

only the four Electors of Vermont. In that election, by the way, New York was a so-called pivotal State—that is to say, Cleveland could not have been elected without it—so that a change of only 600 votes of his small New York plurality would have lost him the Presidency.

8. State Influence in Electoral Contests.—This incident is worth recalling because it illustrates what is considered one of the merits of the electoral system. This merit insures to the larger States their due influence in deciding the results of Presidential elections, even where they are almost evenly divided politically. We have already seen that Vermont, a one-sided State politically, cast a much larger plurality for its favored Electors than did New York in 1884. But New York had nine times as much influence as Vermont in determining the national outcome. This inequality was justified by the difference in their total votes at the polls and also of their total populations. In a word, the electoral plan has this recommendation, that it respects the claims of all the States to representation in the Electoral College based on population.

9. Elections by the House.—To fully comprehend the past experience of the country with the electoral system, it is necessary to dip a little more into history. It must always be kept in mind that a *majority* of the Electoral College is necessary for the choice of a President and Vice President. We have already seen that as a result of the election of 1800, Jefferson and Burr were tied in the Electoral College, and the contest was therefore transferred to the House of Representatives, where Jefferson was finally chosen. Incidentally, it must be stated that when the election is thus shifted, the Constitution requires that the vote of the House must be taken, not by individual members, but by States, the

vote of the majority of each State delegation being counted as a single unit.

On another historic occasion, the Electors failed to make a majority choice, and the House was again called upon to elect. In the Presidential contest of 1824, the chosen Electors were divided among no less than four candidates of the dominant Republican party—Andrew Jackson of Tennessee, John Quincy Adams of Massachusetts, William H. Crawford of Georgia and Henry Clay of Kentucky. They had been placed in nomination by Congressional or State legislative caucuses, as the custom then was. In six States the Electors were appointed by the Legislatures, and in the rest of the States, eighteen in number, they were chosen by popular vote, either on general tickets or by Congress districts. When the result became known in December following the November election—for those were days of slow communication by mail coaches or other primitive agencies—it was found that Jackson had 99 Electors, Adams 84, Crawford 41, and Clay 37. As the number necessary to a majority choice was 131, there was no election by the Electors; and in the House of Representatives Adams triumphed.

As the first miscarriage of this kind led to the adoption of the Twelfth amendment, so the second resulted in two important changes in our political system. One was a marked progress toward uniformity in the method of naming Presidential Electors. Eight years later, all of the States but South Carolina and Maryland chose their Electors on a general State ticket. The other innovation was the appearance in 1831 of the first national nominating convention, of the kind with which we are now familiar. With the advent of the nominating convention, the danger of any mishap in the Electoral Col-

lege was immensely lessened. In fact, the election of John Quincy Adams was the last occasion on which the House was required to perform its contingent function of electing a President.

10. **The Electoral Commission of 1877.**—There was one other grave interruption of the normal processes of the electoral system. In 1876 the memorable contest between Rutherford B. Hayes of Ohio, Republican, and Samuel J. Tilden of New York, Democrat, for the Presidency, resulted in a threatening conflict of party claims. There were 369 Electors, of whom 184 were conceded to Tilden and 166 to Hayes; but both parties claimed the nineteen remaining Electors—from Florida, Louisiana and South Carolina. The dispute was bitter and stubborn, and for a time menacing. It related not only to the validity of the respective party claims but also to the method by which the electoral votes should be counted in Congress. Finally, the moderate men on both sides agreed to, and carried through, a plan for an Electoral Commission composed of five Justices of the Supreme Court, five Senators and five Representatives, to review the returns from the contested States. The commission, as chosen by each of the interested bodies, comprised eight Republicans and seven Democrats, and it was by this party division that the disputed electoral votes were awarded to Hayes. Hayes's total was thus advanced to 185, exactly the number necessary to a choice.

This was the only time when a Presidential election was decided by an agency outside of the Constitution. With the three exceptions mentioned, the result has always been determined by the majority vote of the Electors.

Only in one instance has the Federal Senate performed the function of electing a Vice President. That

was in 1837, when Richard M. Johnson of Kentucky, Van Buren's running mate, received exactly one-half of the votes of the Electoral College—147, or 23 fewer than were cast for Van Buren for President. As there was no majority choice for Vice President, the contest went to the Senate, which elected Johnson.

11. Two Odd Developments.—The records of our national contests show, among other things, that it is quite possible for a President to be declared elected who has failed to obtain, through his Electors, a plurality of the voters of the entire country at the polls. In the Tilden-Hayes contest, 250,000 more votes were cast for the Tilden Electors than for the Hayes Electors. Again, in 1888, Benjamin Harrison was victorious with 233 Electoral votes to 168 for President Cleveland; but the popular vote for the Cleveland Electors in all the States exceeded that for the Harrison Electors by nearly 100,000. In every other Presidential election since the system of nominating conventions was introduced, the candidate who led in the Electoral College also led, through his Electors, at the polls—that is to say, in the popular vote as it appeared in the returns from all the States.

In the various States the names of the Electors are grouped on one ballot. The almost universal custom of the voter is to vote for the entire set of Electors representing the party he prefers. But it occasionally happens that some of the voters, owing to personal prejudice or from another motive, refuse to vote for one or more of the Electors on their party ticket. As a result, when the State is very closely divided, the electoral vote is sometimes "split." In 1916, for example, the supporters of Hughes carried the State of West Virginia against President Wilson. But one of the Democratic Electors

led the opposing Republican Elector and later cast his vote for Wilson.

12. The Electoral Canvass.—The Constitution prescribes no time for the meeting of the Electors and the recording of their votes. It simply requires them to meet in their respective States; to name by ballot their preferences for President and for Vice President; to prepare lists of such votes, and to transmit them signed and sealed "to the seat of government," directed to the President of the Senate. That officer, says the Constitution, "shall in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted." The dates and methods of the whole procedure are determined by an act of Congress. This law directs that the Presidential Electors shall meet and cast their votes on the second Monday in January following their election, and that the two branches of Congress shall assemble in joint session to count the ballots on the second Wednesday in February succeeding the meeting of the Electors.

QUESTION GUIDE TO CHAPTER XX

1. In what document is the method of electing a President prescribed? What body decides how the Electors shall be chosen? How many Electors are there to each State? How were the Electors originally instructed to vote for President? What determined his election? In the event of a tie or lack of majority, what was the proceeding? When was this provision altered and by what means? How were the Electors then instructed to vote? Give reason for this change in the Constitution.

2. What was the power originally conferred upon the Electors?

3. What is expected of the candidate for Elector when the people vote for such candidate? Under the original system of selecting Electors, what methods were employed? Which method is now used exclusively?

4. Did the first Electors exercise absolute discretion in their choice of President or were they influenced by public sentiment? Cite an example.

5. How do the Electors compare in number with the Senators and Representatives in Congress? How is a proper proportion maintained? Give three illustrations of State representation in the Electoral College.

6. What advantage is derived by the smaller States from the electoral system and how is this apparent?

7. When are the Electors for each State chosen at the polls—that is, by the voters? What is a plurality vote? Indicate the difference between a majority vote and a plurality vote. State the contrast between the New York and Vermont votes in 1884.

8. How does the system of Electors protect the political influence of States according to their populations?

9. Does the Electoral College elect the President by a majority or by a plurality vote? When the Electoral College fails to elect, how is the vote of the House of Representatives taken? In what year was the first national nominating convention held?

10. Tell of the one instance in which a President was elected outside of the Constitution and tell the method of reaching a decision.

11. Is it possible for a President to be elected who has not received the entire plurality of the votes of the country cast for the Electors at the polls? How are the names of the Electors to be voted for presented to the people? What is the usual custom of the voter and when this method is not adopted what is sometimes the result?

12. Does the Constitution assign a time for the meeting of Electors or the recording of their votes? What is the Constitution's simple requirement? Quote verbatim the mandate of the Constitution as to the counting of the Electoral vote in Congress.

CHAPTER XXI

PARTY HISTORY—I

All free governments are party governments.—JAMES A. GARFIELD.

1. **The Original Parties.**—In every government of the earth where the right of suffrage is exercised and where the will of the people is heeded in the shaping of national policies or the making of national laws, the tendency of voters is to divide into political parties. It was therefore natural that our American forefathers, after winning their independence and assuming the responsibility of self-government, should find reason for political disagreement.

The first two American parties have gone into history as the Federalists and the Anti-Federalists. Their original dividing issue was whether the new Constitution was a good thing in itself, and whether it should be ratified. Nine of the twelve States represented in the Constitutional convention, or three-fourths, were necessary to adopt the Constitution. The crusade for and against ratification was really the first of our party contests. Those who favored ratification were classed as Federalists. Standing firmly on the principle that the need of the hour was "a more perfect union," they formed a pretty united body. The Anti-Federalist opposition was equally resolute, but was far from harmonious. Some of its leaders, like Patrick Henry of Virginia, attacked the Constitution because they honestly believed that it endangered State rights and therefore

popular liberty. Others did the same because, as advocates of paper money, they feared that the Constitution, by forbidding any State to make anything but gold and silver a legal tender for the payment of debts, would work to the disadvantage of the debtor class. There were still other opponents, big men in their States, who imagined that their political influence would be destroyed under a central government.

But although the Anti-Federalists looked at the matter from different angles, and were inspired by different motives, they were at least strong enough to imperil the Constitution. They were particularly strong in the leading States. In the Massachusetts convention the majority for the Constitution was only nineteen; in the New York convention it was saved from rejection by a majority of three, while in Virginia the majority for approval was only ten. A change of eighteen votes in these three States would have blocked ratification. It might easily have shipwrecked the Constitution, as North Carolina first rejected it and Rhode Island hung back until 1790. But when the ratification was completed, the Anti-Federalists ceased to be a distinct political force, though the name survived for a time.

2. The Democratic-Republican Party.—Washington was elected and re-elected without opposition as a Federalist. During his first administration, in 1791, a new political party took form, with Thomas Jefferson and James Madison as its leaders. It accepted the Constitution loyally, but it disagreed with the Federalist interpretation of the Constitution embodied in Hamilton's policy as the first Secretary of the Treasury, particularly in his creation of a national bank. Hamilton made no secret of his preference for a strong Federal power. It was on this general issue that his opponents united to

resist him. The new party was variously known as Republican and Democratic-Republican. We may call it by the shorter title, though the student must not confuse it with the Republican party of our own day. As it was formed to combat principles of which Hamilton was the chief exponent, we may consider him as distinctly the leader of the Federalist party in 1791 as Jefferson was the leader of the Republican opposition.

The antagonism of the two parties was hot from the start. By 1796 the Republican party had become a dangerous rival of the Federalists. Washington had declined a third nomination. In the Presidential contest of that year the Republican leader, Jefferson, was the first choice of 68 Electors, against 71 for the Federalist candidate, John Adams. Not only was it an exceedingly close race, but it was the last Federalist victory. During Adams' term public opinion ran strongly against his party, for two chief reasons. One was the alleged sympathy of his administration with Great Britain, and against revolutionary and republican France. The second was an unpopular measure passed by a Federalist Congress, known as the Alien and Sedition act, which the Republicans violently denounced as a wanton interference with free speech and personal liberty.

This law, which was harshly enforced against outspoken newspapers and pamphlet writers hostile to the Adams administration, proved too heavy a load for the Federalist party to carry. In 1800 the defeat of Adams by Jefferson marked the beginning of the Federalist downward grade. Resistance to Jefferson's principles and policies held the Federalist party together through his two administrations. In 1808 and 1812, the years of James Madison's two elections, it was able to make a respectable showing in the Electoral College. Its opposi-

tion to the War of 1812 with Great Britain proved to be its final undoing, and in the contest of 1816 its influence was little felt. It then disappeared, and the Republican party was left in undisputed possession of the field, with no visible rival.

The electoral figures of the campaign of 1820 tell the story. President Monroe, Republican, was re-elected without opposition. The record of that contest shows that 231 Electors voted for him, and one for John Quincy Adams of Massachusetts. That single dissenting vote had a pleasant sentimental meaning. All of the Electors were chosen in Monroe's interest, but one of them, a New Hampshire Elector, cast his ballot for the younger Adams because, as he explained, he was unwilling that any other man should match Washington's distinction as the unanimous electoral choice. As it was, Monroe had the credit of an uncontested election. It was what he himself was quoted as pronouncing "an era of good feeling." Not since 1820, however, has the phenomenon of a one-candidate campaign for the Presidency been witnessed in the United States.

3. Division Among the Republicans.—But the "era of good feeling" was too strange to last. In 1824 the Republican party, lacking an outside competitor, treated itself to a spirited contest within the family. It developed no less than four serious candidates for the Presidency. They were General Andrew Jackson, the hero of the battle of New Orleans; John Quincy Adams, Monroe's Secretary of State; William H. Crawford, Monroe's Secretary of the Treasury, and Henry Clay, then Speaker of the House of Representatives. None of the four distinguished candidates obtained the votes of a majority of the Electors. Adams was chosen by the House of Representatives through the powerful influence of Speaker

Clay. Clay later entered Adams' Cabinet as Secretary of State. Jackson's supporters boldly charged that the Clay appointment was the fruit of a political bargain. This suspicion, for which no proof was furnished, inflamed their resentment at the defeat of their candidate, who had won a plurality of the Electors and of the popular vote. Four years later they had their revenge.

4. New Party Groupings.—Another change in the names and alignment of the political parties must now be recorded. The faction enlisted under the banner of Jackson and in opposition to the Adams administration began to call itself Democratic, for mere distinction more than for any other cause. The Administration party, slightly rechristened, was known as "National Republican." It was by these titles that the two parties entered the Presidential contest of 1828, in which Jackson was triumphantly elected. For the next eight years party conflict raged around the towering figure of President Jackson. He strengthened his hold upon the public favor by two notable policies and acts. These were his long and successful fight against the United States bank, which had become a powerful financial institution; and the firm stand he took against the threat of South Carolina to disregard, or nullify, the tariff acts of 1828 and 1832. South Carolina's menace and Jackson's official declaration that he would use the whole power of the Union to maintain its authority, promised serious trouble for a time.

5. The Tariff Issue Makes Its Appearance.—The tariff issue has influenced the course of American politics in more than one exciting national campaign. From the first days of the Republic a tariff or tax was collected for revenue upon articles imported from foreign countries. It was a part of the financial program presented to the First Congress by Secretary of the Treasury, Alexander

Hamilton. In this memorable report Hamilton not only urged a tax on imported articles, but pointed out that, while revenue was the principal object of such a tax, it would also have the effect of encouraging domestic manufacture. "Duties of this nature," he wrote, "evidently amount to a virtual bounty on the domestic fabrics, since by enhancing the charges on foreign articles they enable the national manufacturers to undersell all their foreign competitors." He added that such taxes, or duties, therefore, "wore a beneficent aspect towards the manufacturers of the country." In this report are revealed the germs of "the American System," as it was then called, of protection to home industry.

Hamilton's idea was to make the modest scale of duties which the First Congress imposed upon merchandise imported from Europe serve the double purpose of a revenue producer and a barrier against outside competition. During the War of 1812 the existing duties were doubled to supply the revenue needs of the Government, with the result of stimulating the country's industrial activities. After the war there was a strong demand, particularly in the New England States, for the retention of this system of Protection. A general tariff act passed in 1816 partly satisfied this demand. But a period of hard times followed, and the public opinion of that time was divided as to the value of the experiment.

In 1823-24, the subject of tariff legislation was revived in Congress, with Henry Clay as the foremost champion of "the American System." The Tariff of 1824 was framed to carry out in some degree Clay's principle that protection should be a paramount purpose of our tariff policy. Four years later it was followed by a measure called by its opponents "the tariff of abominations," because many of its heaviest duties were designed to favor

special interests, principally the manufacture of woollen goods. This act was revised in 1832, but by this time opposition in the South, largely a cotton-growing and agricultural section, had developed into a bitter prejudice against the tariff, which was held to be chiefly helpful to industrial New England. The antagonism of South Carolina, as we have seen, flamed into open resistance, which was answered with a counter-demonstration from President Jackson. But a more serious collision was averted by a compromise tariff enacted in 1833 under Clay's guidance. There were three more general revisions of the tariff before the Civil War.

Before the South Carolina agitation had reached a crisis another event of real historic importance was recorded. It was the first national convention of any American political party. The distinction of holding this convention belongs to the so-called Anti-Masonic party—an organization formed to combat secret orders. This convention assembled at Baltimore on September 26, 1831, and nominated William Wirt of Maryland for the Presidency. Later the same year a National Republican convention met in the same city and nominated Henry Clay for President. (Baltimore was also the scene of the first Democratic National Convention, held in March, 1832.) Its only function, however, was to name the Vice Presidential candidate, Martin Van Buren, inasmuch as the renomination of President Jackson had already been decreed by the action of his party followers in the several States. Thereafter all the Presidential candidates of the several parties were placed in nomination by national gatherings commissioned for the purpose.

6. Advent of the Whig Party.—In the ensuing contest Jackson was easily re-elected over Clay. The National Republican party then made its exit from the

political stage, and it was succeeded by a new rival of the Jacksonian Democracy, in the shape of the Whig party, organized in 1834. It was a strange combination of varied political interests, including as it did not only the advocates of "the American System" of protection, but many who sympathized with the South Carolina attempt to nullify tariff laws. Aside from its tariff policy, which was Clay's chief contribution, the new organization owed its strength at the beginning to a formidable rally of political enemies of Jackson. But the time had not yet come, nor was it to come until over forty years had passed, for the tariff to serve as a foremost issue in American politics. The tariff issue was not without its influence in the Whig campaigns that followed, but it was soon overshadowed by the far more disturbing question of slavery.

The Whig party made its Presidential debut in 1836, and it sustained a severe defeat. Jackson had bowed to the unwritten law against a third term, but he was strong enough to name his own successor as the Democratic standard-bearer, Martin Van Buren, who received 170 Electoral votes against a divided Whig opposition. There were no less than four Whig candidates, including Daniel Webster, who was credited with fourteen Electoral votes. The leading Whig was William Henry Harrison, a popular hero of the War of 1812 and of the later Indian wars, who had derived his familiar title of "Tippecanoe" from his victory over the Indians in the battle of that name.

In 1837 occurred the most violent financial panic in our history up to that time, and it was followed by a long business depression. From this the Whig party benefited. It is the uniform rule of politics that the party in power suffers from a period of "hard times." With

Harrison as a candidate and John Tyler as his running mate, the Whigs marched to a decisive victory in 1840 under the slogan of "Tippecanoe and Tyler, too." The death of Harrison a month after his inauguration was followed by a breach between President Tyler and the Whig party; but in 1844 it was able to make a strong bid for popular support by the nomination for President of its leader and idol, Henry Clay. Van Buren was again the leading candidate for the Democratic nomination. The party selected in his stead James K. Polk of Tennessee, who had scarcely been mentioned in advance for the honor and who therefore became the first "dark horse" of our Presidential politics.

7. **The Slavery Issue.**—By this time the slavery issue had become acute. In the late thirties an agitation for the abolition of slavery had been launched in the Northern States, and particularly in Massachusetts, though it had made little headway as an independent movement. But the question assumed a deeper gravity with the demand for the annexation of Texas, to which the Democratic party was committed in the campaign of 1844. To all observers the annexation of Texas meant the extension of slavery in the largest State of the Union, and it was fiercely opposed by the anti-slavery elements in both parties. On this issue Clay had wavered, and he probably lost more than he gained by his course. Both the Whig and Democratic parties, it should be remembered, had powerful Southern factions which were strongly bent on protecting slavery at all points. It was not until 1856 that a distinct line of separation appeared between the leading parties on the slavery issue.

Clay was defeated, and during the Polk administration our war with Mexico took place. One of its results was to give the Whig party in 1848 a military hero for

a Presidential candidate in the person of General Zachary Taylor. Meanwhile, there were signs of disruption in the Northern Democracy growing out of the controversy of the extension of slavery—a controversy made more troublesome by the Mexican war and our acquisition of hundreds of thousands of square miles of fresh territory in the West and Southwest. This condition, added to his own popularity, insured Taylor's election. It was the second and the last of the Presidential triumphs of the Whig party. President Taylor died in July, 1850; and in 1852 the Whigs conducted their final campaign with another Mexican War hero, General Winfield Scott, as their unsuccessful candidate.

8. Questions of Great Moment.—From 1848 onward the slavery question held the center of the political stage, until in 1861 the growing agitation culminated in the Civil War. In the fifteen years before the firing on Fort Sumter many critical developments occurred. The Northern States resisted the return of escaped slaves. There was a contest over the admission of California (acquired from Mexico) as an anti-slave State. Congress passed the famous Clay Compromise bills of 1850, admitting California as a free State, organizing New Mexico and Utah into territories, without reference to slavery, abolishing the slave trade in the District of Columbia and strengthening the Fugitive Slave laws. The pro-slavery and anti-slavery interests struggled for the possession of Kansas territory. Finally, in 1854 the Kansas-Nebraska bill was passed, giving resident voters the right to decide for themselves whether slavery should be established in or excluded from the territories. During the last stormy decade before the Civil War, the Democrats elected two Presidents—Franklin Pierce in 1852, and James Buchanan in 1856.

9. A New Republican Party.—A new political era was opened, however, with the birth of the Republican party in 1854. That event followed hard upon the enactment of the Kansas-Nebraska bill, which had stirred much indignation in the North. Even while it was under discussion a mass meeting of former Whigs and Free Soil Democrats assembled at Ripon, Wisconsin, resolved that if the Kansas-Nebraska bill were passed they would "organize a new party on the sole issue of the non-extension of slavery." The measure became a law in May, and a few weeks later, or on July 6th, the Republican party was launched by name at a State convention held in Jackson, Michigan. This example was followed by other Western conventions in the same month.

The general purpose of the new organization was to furnish a resting place and rallying ground for the anti-slavery elements of the older parties, and outside of them. Among those were the dissatisfied Whigs, the Free Soil Democrats, the Abolitionists, and the anti-slavery wing of a recently credited body known as the American party. The Republican party grew rapidly. But like its Whig parent it had to experience one Presidential defeat before it struck the highway to victory. Four years later it faced a Democratic opposition split on the rock of slavery. Abraham Lincoln, the successful Republican candidate, entered the White House on March 4, 1861, and then came the Civil War.

10. The Early Minor Parties.—While the leading parties were making their early struggle for control, several minor parties flitted across the political stage. Of these only the Anti-Masonic party, the Abolition party, the Free-Soil party, and the American, or Know-Nothing, party, need be mentioned. The Anti-Masonic party, which was pledged to overthrow the order of Free

Masons, started in Western New York in 1826, but it never developed serious strength.

The Abolition party, organized for the extermination of slavery, named a candidate for President in 1840 and 1844, and then it disappeared as an independent political factor, after having contributed to Clay's most bitter defeat.

The Free-Soil party was primarily an offshoot of the Democratic party in New York. It took a stand against the extension of slavery and adopted the attractive slogan of "Free Soil, Free Speech, Free Labor and Free Men." At a convention held in Buffalo in 1848 it nominated Martin Van Buren for President and Charles Francis Adams of Massachusetts (afterwards our Minister to England during the Civil War) for Vice President. The Free Soilers polled nearly 300,000 votes on election day, but gained no Presidential Elector. Four years later they cast about half as many votes for John P. Hale of New Hampshire. Before the election of 1856 came around, the party was dissolved, many of its members joining the new Republican party and the rest returning to their former Democratic allegiance. Former Free Soilers attained great prominence and influence in the Republican party not only in Congress but in all of the Northern States.

Of the minor organizations the Know-Nothing party was the most formidable. It first showed signs of vitality in New York and Pennsylvania in the mid-thirties, as a secret society formed to oppose the election of other than native citizens to political office. In 1854 and 1855 this curious American party was victorious in nine State elections, and in the former year it sent forty of its members to the House of Representatives.

QUESTION GUIDE TO CHAPTER XXI

1. What were the first two political parties called? What was the cause of their first differences? When did the Anti-Federalists cease to be a factional force?

2. What party elected Washington? Tell something of the origin of the Democratic-Republican party. Give names of leaders of each party in 1791. When was the last Federalist victory? What were the chief reasons for disruption of the Federalist party? What was the peculiarity of the Presidential election in 1820?

3. Give some of the facts relative to the division in the Republican party.

4. When did the Democratic party appear? What was the Democratic-Republican party then rechristened? In what year did the two new parties enter their first Presidential contest?

5. What was the tariff issue? When was the first tariff revenue collected? What special benefits did Hamilton foresee from this taxation? How was this taxation affected by the war of 1812? In what year after that was the first general tariff act passed? What followed? When was the tariff controversy again revived? Give a resume of tariff legislation before the Civil War.

6. When was the Whig party organized? In what Presidential year did it first figure? Name the candidates and some of the circumstances connected with this campaign.

7. What vital issue entered into national politics during the existence of the Whig party?

8. During what years did the slavery issue absorb political attention? Name some of the serious developments of the fifteen years previous to the Civil War.

9. Tell something of the origin of the Republican Party and the circumstances attending it. What was the general purpose of its organization? Mention some of the various elements that joined its forces.

10. Name some of the minor parties that sprang into existence before the Civil War. Which was most important of the minor parties? What was its purpose?

CHAPTER XXII

PARTY HISTORY—II

In a vigilant, jealous and active opposition there is great security against the misuse of power by those who hold it.—GEORGE TICKNOR CURTIS.

1. **The Republican Lease of Power.**—With the inauguration of Lincoln, the Republican party entered upon a lease of power at Washington, which, so far as the control of the executive departments was concerned, lasted for twenty-four years. The story of the Civil War belongs to the domain of general history and only its effect upon the fortunes of the two leading parties need be sketched here. During the war the Republican party held its ground without difficulty against an opposition hopelessly weakened by the secession of the Confederate South. In 1864 the Democratic party had no political program to offer that could prevail against the confidence of the people of the Northern States in Lincoln and against their determination to push the war to a successful ending. The Democratic candidate for President, General George B. McClellan, received only 21 Electoral votes to Lincoln's 219. In this division the eleven States of the Confederacy were, of course, unrepresented. After Lee's surrender at Appomattox, new political issues were created by Democratic opposition to Republican measures. One of these was the military rule established by the Republicans in the Southern

States. Another was the Republican plan of Reconstruction, as it was called—meaning, the gradual restoration of the Southern States to the Union. In the years that followed, party strife was largely centered in the three Constitutional amendments, the Thirteenth, Fourteenth and Fifteenth, which were intended, respectively, to abolish slavery, to confer upon the colored men the status of citizens and to forbid any State to deny them the voting privilege on account of their “race, color, or previous condition of servitude.”

The work of Reconstruction went on apace, and in the spring of 1870 the last of the seceding States, Texas, was readmitted to the Union and to representation in Congress. Meanwhile, the public agitation over the questions growing out of the Civil War was aggravated by a bitter controversy between President Andrew Johnson, Lincoln’s constitutional successor, and the Republican majority of Congress. Partly as a result of the President’s resistance to the general Reconstruction policy of Congress, the House instituted impeachment proceedings against him, but the Senate failed to convict by a vote which lacked only one of the constitutional two-thirds majority. This was in 1868; and in the same year the Republicans nominated for President the chieftain of the Union armies in the late war, Ulysses S. Grant, who won an overwhelming victory over his Democratic opponent, Horatio Seymour of New York.

Under the first administration of General Grant policies were developed and political scandals occurred which led to a revolt in his party. The discontented faction, which was known as Liberal Republican, named Horace Greeley as its Presidential candidate. The Democrats endorsed this choice, though Greeley had until recently been recognized as one of their fiercest enemies.

For a time the fusion of interests promised well, but President Grant's popularity and prestige carried him through easily. He was elected for a second term by heavy majorities both at the polls and in the Electoral College.

2. **The Democratic Revival.**—The time was now at hand for a break in the continuity of Republican power. Several causes contributed to this result, among them the weakening of the war issues with time, and the spread of a more kindly Northern feeling toward the South. But the most powerful, no doubt, was the financial panic that broke out in 1873 and the hard times that followed it. In 1874 a Democratic House of Representatives was chosen, the first in more than fifteen years. The same party elected Governors in all the doubtful States of the North.

One of these Governors, Samuel J. Tilden of New York, was the Democratic candidate for President in 1876, and the convention which nominated him adopted "Reform" as its slogan, with particular reference to the exposure of certain corrupt rings. Incidentally, the tariff issue again made its appearance, owing to the demand in the Democratic platform that "all custom-house taxation shall be only for revenue." This meant that duties on imports should be imposed without regard to the Protection which was the keynote of Henry Clay's policy fifty years before. The Republicans nominated Governor Rutherford B. Hayes of Ohio, and their chief issues were an appeal to Northern distrust of Democratic sympathies with the South, and a series of attacks upon the political and business record of the Democratic candidate.

One of the most exciting campaigns in the country's history followed. On account of the disputed canvass

for Presidential Electors in the States of South Carolina, Louisiana and Florida, the anxious interest of the public in the final outcome continued for three months or more after election day. Then an Electoral Commission, especially created by Congress to pass upon the returns, awarded the victory to Hayes.

In the next twelve years the two great parties competed on nearly equal terms for success in the national contests. So closely were the Presidential battles waged that the returns from the single pivotal State of New York were the determining influence. That State gave its vote to James A. Garfield, Republican, over General Winfield Scott Hancock in 1880; to Grover Cleveland, Democrat, over James G. Blaine in 1884; and to Benjamin Harrison, Republican, over President Cleveland in 1888. In each case the candidate who led in the Electoral College would have been defeated if New York had voted the other way.

In the conflicts of 1880 and 1884 the tariff question was agitated by both parties to some extent, but not until 1888 did it become really decisive. In his regular message to Congress in December, 1887, President Cleveland took a bold stand for a radical reduction of the existing tariff and particularly for the removal of the duty from raw wool. The Republican party accepted the challenge. In the Presidential election of the following year the voters were required to pass judgment upon the sharply defined issues of Protection and Tariff Reform. They pronounced for Harrison and a high tariff.

It is necessary to recall here that customs duties had been materially advanced during the Civil War to increase the government's revenues, and that the war rates had been revised by a tariff bill enacted in 1883. Under the operation of this measure, the yield

of revenue was greater than the needs of the Federal Treasury, and the resulting surplus was one of the reasons given by President Cleveland for a reduction of duties. In 1890 the Republican Congress, acting upon the people's instructions involved in the election of Harrison, passed the McKinley Tariff act, thus named in recognition of the Representative who introduced it, William McKinley, Chairman of the Ways and Means Committee of the House. The immediate effect was an advance in the prices of many commodities, and the result was disastrous to the party in power. The Democrats swept the country in the Congressional contests of 1890. Two years later, Cleveland, a Presidential candidate for the third time, defeated Harrison.

3. The Panic of 1893.—Scarcely was Cleveland inaugurated for the second time when clouds appeared on the national horizon. In the spring of 1893, the Treasury surplus had been converted into a shortage, and another financial storm broke. It was at least partly charged to the operation of a law enacted in 1890 and known as the Sherman Silver Purchase act. Under this act the Treasury was obliged to purchase a vast quantity of silver bullion every month and issue silver certificates against it for general circulation. In the last weeks of the spring there were ominous signs of public distrust of the new currency system. The demand for gold at the Treasury and the New York Sub-Treasury in exchange for silver certificates, and heavy exports of the yellow metal, caused a rapid shrinkage of the \$100,000,000 gold reserve which the government was required to carry for the partial redemption of its paper currency.

A destructive financial panic set in, with a run on the banks, particularly in New York and other large cities. Hard-pressed banks by the score closed their

doors. The violent stages of the panic lasted for several weeks. Its severity lessened somewhat when it was learned that the President would call a special session of Congress and urge the repeal of the Sherman act. This promise was carried out, and the law was revoked; but the panic left its effects in the shape of a business and industrial depression from which it took the country some four years to recover. The Democracy, as the party in power, now suffered, in its turn, from the "hard times." Its loss of strength was aggravated by the passage of the Wilson-Gorman Tariff act of 1894, and the Republicans regained control of the House of Representatives in the elections of that year.

4. Free Silver and Republican Restoration.—The campaign of 1896 was in every respect a memorable and exciting one. The Republicans charged that the Wilson-Gorman Tariff law was the chief provocation of the hard times, both by the advance fears the Democratic policy had aroused and by the results of the act itself. This brought the tariff issue to the fore again, and made William McKinley, the backer of the last Republican tariff measure, the logical candidate of his party for the Presidency. He was accordingly nominated; but the tariff was not the dominant issue of the remarkable canvass that followed.

For nearly twenty years, or since 1878, when the Bland bill, ordering an extensive coinage of standard silver dollars every month, was enacted, there had been an almost constant demand in and out of Congress, and especially in the silver-mining States of the far West, for a more liberal policy of silver coinage. It was in response to this agitation that the Silver Purchase act of 1890 was adopted. The "hard times" beginning in 1893 encouraged the champions of silver to put fresh

vigor into their efforts and appeals. They took the ground that it was not the heavy purchases of silver by the government, nor yet the tariff, but the single gold standard of value that had crippled production and injured the farmer and wage-earner alike. To this they charged the great non-employment of labor and the low prices of all commodities, especially of wheat and other agricultural products.

The idea made rapid headway, and several of the former Republican States in the far West proved to be fertile soil for its spread. As a climax, the pro-silver men controlled the Democratic national convention at Chicago. They nominated a candidate for the Presidency whose name had been scarcely mentioned in that relation—William J. Bryan of Nebraska. He was then only thirty-six years of age, and long an earnest advocate of the free coinage of silver. He had captivated the convention by his oratory. In the stirring and heated political battle that ensued, party lines were recast in the so-called silver States of the far West. The conservative business interests of the country were gravely disquieted by what they denounced as a mischievous attack on the existing standard of value and a dangerous crusade for cheap money. Mr. Bryan toured the country in support of the opposite view. For a few weeks his canvass promised well, but a reaction then set in, and McKinley triumphed with a majority of 95 in the Electoral College and a popular plurality of more than 600,000.

Bryan was the Democratic Presidential candidate for a second time in 1900, but meanwhile the Spanish-American war had been fought and President McKinley's prestige increased. In the election of that year he scored another emphatic victory over the Nebraskan. In one notable personal respect this campaign was historic;

for McKinley's running mate was Theodore Roosevelt of New York.

5. Roosevelt Becomes President.—As destiny would have it, the gentle McKinley was the third of our Presidents to fall at the hands of an assassin. From the day of his death, September 14, 1901, until March 4, 1909, Roosevelt, who immediately took the oath of office, was the commanding personal force in American politics. President Roosevelt's record was such that he was elected for a full term in 1904; and, four years later, his influence had much to do with the selection of his successor, William H. Taft. The solid achievements of Roosevelt's administration, its war upon trusts and monopolies, its progressive policies and its dramatic surprises are now an outstanding part of the country's later history. The numerous biographies and biographical sketches brought out by his untimely and lamented death on January 6, 1919, have familiarized the younger generation of readers with the various stages of his wonderful career. The four years of President Taft's administration completed sixteen years of Democratic exclusion from power in the executive branch of the government. But meanwhile there were marked signs of another political reaction. In 1910 the Democrats obtained control of the House of Representatives for the first time since 1895. Among the symptoms referred to were a revolt of so-called Republican insurgents in the House and the widespread dissatisfaction of Western Republicans, in and out of Congress, with the Payne-Aldrich Tariff act of 1909. They denounced the new tariff as favoring special manufacturing interests.

6. The Progressive Party.—To the rebellious tendencies of the Republican insurgents of 1910 the origin of the Progressive party of 1912 may be partly attributed.

From the ranks of the Republican dissenters there came early in 1912 a demand for the nomination of Roosevelt for President, to which he gave his assent. It was the signal for a strenuous contest between the supporters of Roosevelt and those of Taft for delegates to the Republican National convention at Chicago. When the convention assembled in June, it was found that the balance of power rested with the representation from the Southern States. The seats of many of the Taft delegates from that section were contested by Roosevelt men. The decision of the credentials committee was favorable to Taft and this intensified the bitterness of the factional strife.

The nomination of Taft by the convention was followed by a meeting of Roosevelt delegates at which the first step was taken for the formation of a third party, to be known as the Progressive party. Later in the year Roosevelt accepted an independent nomination at its hands. In the triangular contest which followed, with the Republican party rent in twain, the election of the Democratic candidate, Woodrow Wilson, then Governor of New Jersey, was a foregone conclusion. He carried forty of the forty-eight States and received 435 electoral votes, to 88 for Roosevelt and 8 for Taft. Wilson's popular plurality exceeded 2,000,000.

While the European war was raging and before our entrance into the struggle President Wilson was re-elected over Charles E. Hughes of New York, who had resigned from the Federal Supreme Court to accept the Republican nomination. The outcome of this contest of 1916 was peculiar in the sense that the returns on election night indicated the success of Hughes. The prospect was suddenly changed by the reports of the next morning, showing an almost general sweep for Wilson

in the States west of the Rockies. It was then found that his success or defeat hinged on the vote of California, which was close and doubtful. But the official count gave him that State by a plurality of 3,773.

In 1920 both of the leading parties went to the same State for their candidate for President, the Republicans nominating Warren G. Harding, Senator from Ohio, and the Democrats the Governor of Ohio, James M. Cox. The electoral and popular majority for Harding was overwhelming.

7. Minor Parties Since 1860.—In the first Presidential election after the Civil War, that of 1868, the two historic parties had the field of battle all to themselves. But in 1872 occurred the Liberal Republican secession, and in the same year the long-lived Prohibition party made its debut. The Prohibitionists held their first national convention on Washington's Birthday, 1872, and named James Black of Pennsylvania for the Presidency. He received less than 6,000 votes. Thereafter the Prohibition party appeared regularly in the Presidential arena every four years.

Other minor political parties after the Civil War were the Greenback party, which nominated Peter Cooper, the famous philanthropist, for President in 1876, and disappeared in 1884. The Farmers' Alliance was a party that made some headway in the South and West in the late eighties. It became, about 1890, a part of the People's, or Populist, party. The Populist party cut a big figure in the Presidential campaigns of 1892 and 1896, but after 1908 it went into oblivion. The present Socialist party named its first Presidential ticket in 1892.

QUESTION GUIDE TO CHAPTER XXII

1. After Lincoln's election, how long was the Republican party dominant at Washington? What caused the weakness of the Democratic party during this Republican regime? What States were unrepresented in the Lincoln-McClellan contest? What important political issue arose after Lee's surrender at Appomattox? In the years following, what political issues arose? What were the objects of the constitutional amendments adopted after the war? Name the last Southern State to return to the Union and the year of its reinstatement? In what year was Ulysses S. Grant nominated for President?

2. What was the chief cause of dissatisfaction with the Republican party in 1873? In what year did the House of Representatives again become Democratic? What was the tariff issue raised by the Democrats in 1876? Give names of the Presidential candidates in that year. Give results of the election and main incidents connected with it. Give results of the Presidential elections for the twelve years following. By what President and in what year was the tariff made the dominant party issue? What important act was passed during Harrison's administration? What was the effect of this act?

3. What was one cause of the financial panic in 1893? What was the business result of this panic and what was the political consequence?

4. Why was McKinley selected as the Republican candidate for President in 1896? What agitation led to the adoption of the Silver Purchase act of 1890? Tell something about the Free Silver movement. Who was the candidate for Vice President on the ticket with McKinley in 1900?

5. What tragic event followed this election? How was Roosevelt's influence felt? The expiration of President Taft's term was the close of how many years of Republican occupancy of the White House?

6. To what cause was the birth of the Progressive party due? Tell something of the proceedings which attended and followed the national convention of 1912. What peculiarity developed in the election of President Wilson for his second term?

7. In what year did the Prohibition party make its debut as a national party? Who was its first candidate and in what year was the first convention held? Name some of the other minor parties since the Civil War.

APPENDIX

THE FEDERAL CONSTITUTION

PREAMBLE:

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

THE CONGRESS:

ARTICLE I

SECTION I

1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION 2

1. The House of Representatives shall be composed of members chosen every second year by the people of the several states; and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the legislature.

2. No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several States which may be included within this

Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three; Massachusetts, eight; Rhode Island and Providence plantations, one; Connecticut, five; New York, six; New Jersey, four; Pennsylvania, eight; Delaware, one; Maryland, six; Virginia, ten; North Carolina, five; South Carolina, five; and Georgia, three.

4. When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.

SECTION 3

1. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years; and each Senator shall have one vote.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen, by resignation or otherwise, during the recess of the Legislature of any State, the executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

3. No person shall be a Senator who shall not have attained the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

4. The Vice President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided.

5. The Senate shall choose their other officers, and also President *pro tempore* in the absence of the Vice President or when he shall exercise the office of President of the United States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States; but the party convicted, shall, nevertheless, be liable and subject to indictment, trial, judgment and punishment, according to law.

SECTION 4

1. The times, places and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof, but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION 5

1. Each House shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members,

in such manner and under such penalties as each House may provide.

2. Each House may determine the rule of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds, expel a member.

3. Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

4. Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

SECTION 6

1. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall, in all cases except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either House during his continuance in office.

SECTION 7

1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

2. Every bill which shall have passed the House of Representatives and the Senate shall, before it becomes a

law, be presented to the President of the United States; if he approve, he shall sign it; but if not, he shall return it, with his objections, to that House in which it shall have originated; who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered; and, if approved by two-thirds of that House, it shall become a law. But in all such cases, the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return, in which case it shall not be a law.

3. Every order, resolution or vote, to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment), shall be presented to the President of the United States; and, before the same shall take effect, shall be approved by him; or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

POWERS GRANTED:

SECTION 8

The Congress shall have power:

1. To lay and collect taxes, duties, imposts, and excises; to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.
2. To borrow money on the credit of the United States.
3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

4. To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States.

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures.

6. To provide for the punishment of counterfeiting the securities and current coin of the United States.

7. To establish postoffices and postroads.

8. To promote the progress of science and useful arts, by securing for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries.

9. To constitute tribunals inferior to the Supreme Court.

10. To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations.

11. To declare war, grant letters of marque and reprisal, and make rules concerning capture on land and water.

12. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years.

13. To provide and maintain a navy.

14. To make rules for the government and regulation of the land and naval forces.

15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

16. To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States; reserving to the States respectively the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.

17. To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of government of the United States; and to exercise like authority over all places pur-

chased, by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings; and

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

POWERS DENIED:

SECTION 9

1. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation not exceeding ten dollars for each person.

2. The privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

3. No bill of attainder, or *ex post facto* law, shall be passed.

4. No capitation or other direct tax shall be laid unless in proportion to the census or enumeration hereinbefore directed to be taken.

5. No tax or duty shall be laid on any articles exported from any State. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear or pay duties in another.

6. No money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

7. No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state.

SECTION 10

1. No State shall enter into any treaty, alliance or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts; or grant any title of nobility.

2. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws, and the net product of all duties and imposts laid by any State on imports or exports shall be for the use of the treasury of the United States, and all such laws shall be subject to the revision and control of the Congress. No State shall, without the consent of the Congress, lay any duty or tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

THE PRESIDENCY:

ARTICLE II

SECTION I

1. The executive power shall be vested in the President of the United States of America. He shall hold his office during the term of four years; and, together with the Vice President chosen for the same term, be elected as follows:

2. Each State shall appoint, in such manner as the Legislature thereof may direct, a number of Electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an Elector.

3. [*The Electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with them-

* This paragraph has been superseded by Amendment 12.

selves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of Electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose, by ballot, one of them for President; and if no person have a majority, then, from the highest on the list, the said House shall, in like manner, choose the President. But in choosing the President, the vote shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the Electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them, by ballot, the Vice President.]

4. The Congress may determine the time of choosing the Electors, and the day on which they shall give their votes, which day shall be the same throughout the United States.

5. No person, except a natural born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President; and the Congress may, by law, provide for the case of removal, death, resignation or inability,

both of the President and Vice President, declaring what officer shall then act as President; and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

7. The President shall, at stated times, receive for his services a compensation which shall neither be increased nor diminished during the period for which he shall have been elected; and he shall not receive within that period any other emolument from the United States, or any of them.

8. Before he enter on the execution of his office, he shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States; and will, to the best of my ability, preserve, protect and defend the Constitution of the United States."

THE EXECUTIVE POWER:

SECTION 2

1. The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States. He may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate shall appoint, ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may, by law, vest the appointment of such inferior officers as they think proper, in the President alone, in the courts of law, or in the heads of departments.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SECTION 3

1. He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient. He may on extraordinary occasions, convene both Houses, or either of them; and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper. He shall receive ambassadors and other public ministers. He shall take care that the laws be faithfully executed; and shall commission all the officers of the United States.

SECTION 4

1. The President, Vice President and all civil officers of the United States shall be removed from office on impeachment for, and conviction of treason, bribery or other high crimes and misdemeanors.

THE JUDICIAL POWER:

ARTICLE III

SECTION 1

1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may, from time to time, ordain and establish. The judges, of both the Supreme and inferior courts shall hold their offices during good behavior; and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

SECTION 2

1. The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made, or which shall be made

under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States, between a State and citizens of another State; between citizens of different States, between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens or subjects

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the State where the said crimes shall have been committed, but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

SECTION 3

1. Treason against the United States shall consist only in levying war against them or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

CONCERNING THE STATES:

ARTICLE IV

SECTION I

1. Full faith and credit shall be given in each State to the public acts, records and judicial proceedings of every

other State; and the Congress may, by general laws, prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

SECTION 2

1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

2. A person charged in any State with treason, felony or other crime, who shall flee from justice, and be found in another State, shall on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

3. No person held to service or labor in one State under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such service or labor may be due.

SECTION 3

1. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress.

2. The Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.

SECTION 4

1. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and, on application of the Legislature, or of the executive (when the Legislature cannot be convened), against domestic violence.

FINAL PROVISIONS:

ARTICLE V

1. The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution; or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment, which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI

1. All debts contracted and engagements entered into before the adoption of this Constitution shall be as valid against the United States under this Constitution, as under the confederation.

2. This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

3. The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

THE AMENDMENTS:

[The following ten amendments were proposed at the first session of the first Congress of the United States, which was begun and held at the city of New York on the fourth of March, 1789, and were ratified by December, 1791, by the requisite number of States. They are often referred to as the Bill of Rights.]

AMENDMENT I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

AMENDMENT II

A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

AMENDMENT III

No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war but in a manner to be prescribed by law.

AMENDMENT IV

The right of the people to be secure in their persons, houses, paper and effects, against unreasonable searches and seizures shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

AMENDMENT V

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself, nor be de-

prived of life, liberty or property, without due process of law; nor shall private property be taken for public use without just compensation.

AMENDMENT VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law; and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

AMENDMENT VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

AMENDMENT VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

AMENDMENT IX

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

AMENDMENT X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

AMENDMENT XI

[Submitted by Congress to the State Legislatures in March, 1794, duly ratified, and proclaimed in January, 1798.]

The judicial power of the United States shall not be construed to extend to any suit in law or equity, com-

menced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

AMENDMENT XII

[Submitted by Congress to the State Legislatures in December, 1803, duly ratified, and proclaimed in September, 1804.]

1. The Electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom at least shall not be an inhabitant of the same State with themselves. They shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each; which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President as in the case of the death or other constitutional disability of the President.

2. The person having the greatest number of votes as Vice President shall be the Vice President, if such number be a majority of the whole number of Electors appointed,

and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice President. A quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

AMENDMENT XIII

[Submitted by Congress to the State Legislatures in February, 1865, duly ratified, and proclaimed in December, 1865.]

1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

2. Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XIV

[Submitted by Congress to the State Legislatures in June, 1866, duly ratified, and proclaimed in July, 1868.]

1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of Electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the

male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

3. No person shall be a Senator or Representative in Congress, or Elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.

4. The validity of the public debt of the United States authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

AMENDMENT XV

[Submitted by Congress to the State Legislatures in February, 1869, duly ratified, and proclaimed in March, 1870.]

1. The rights of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

2. The Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XVI

[Submitted by Congress to the State Legislatures in July, 1909, duly ratified, and proclaimed in February, 1913.]

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

AMENDMENT XVII

[Submitted by Congress to the State Legislatures in May, 1912, duly ratified, and proclaimed in May, 1913.]

1. The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The Electors in each State shall have the qualifications requisite for Electors of the most numerous branch of the State Legislatures.

2. When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, That the Legislature of any State may empower the executive thereof to make temporary appointment until the people fill the vacancies by election as the Legislature may direct.

3. This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

AMENDMENT XVIII

[Submitted by Congress to the State Legislatures in December, 1917, duly ratified, and proclaimed in January, 1919, as going into full force and effect January 16, 1920.]

1. After one year from the ratification of this article the manufacture, sale or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the Legislatures of the several States, as provided by the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

AMENDMENT XIX

[Submitted by Congress to the State Legislatures in June, 1919, duly ratified, and proclaimed in August, 1920.]

1. The rights of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

2. Congress shall have power, by appropriate legislation, to enforce the provisions of this article.

PRESIDENTS, VICE PRESIDENTS AND CONGRESSES

Presidents	Vice Presidents	Service	Congresses
George Washington.....	John Adams.....	Apr. 30, 1789-Mar. 4, 1797	1, 2, 3, 4.
John Adams.....	Thomas Jefferson.....	Mar. 4, 1797-Mar. 4, 1801	5, 6.
Thomas Jefferson.....	Aaron Burr.....	Mar. 4, 1801-Mar. 4, 1805	7, 8.
Do.....	George Clinton.....	Mar. 4, 1805-Mar. 4, 1809	9, 10.
James Madison.....	George Clinton.....	Mar. 4, 1809-Mar. 4, 1813	11, 12.
Do.....	Elbridge Gerry.....	Mar. 4, 1813-Mar. 4, 1817	13, 14.
James Monroe.....	Daniel D. Tompkins.....	Mar. 4, 1817-Mar. 4, 1825	15, 16, 17, 18.
John Quincy Adams.....	John C. Calhoun.....	Mar. 4, 1825-Mar. 4, 1829	19, 20.
Andrew Jackson.....	John C. Calhoun.....	Mar. 4, 1829-Mar. 4, 1833	21, 22.
Do.....	Martin Van Buren.....	Mar. 4, 1833-Mar. 4, 1837	23, 24.
Martin Van Buren.....	Richard M. Johnson.....	Mar. 4, 1837-Mar. 4, 1841	25, 26.
William Henry Harrison..	John Tyler.....	Mar. 4, 1841-Apr. 4, 1841	27.
John Tyler.....	.....	Apr. 6, 1841-Mar. 4, 1845	27, 28.
James K. Polk.....	George M. Dallas.....	Mar. 4, 1845-Mar. 4, 1849	29, 30.
Zachary Taylor.....	Millard Fillmore.....	Mar. 5, 1849-July 9, 1850	31.
Millard Fillmore.....	.....	July 10, 1850-Mar. 4, 1853	31, 32.
Franklin Pierce.....	William R. King.....	Mar. 4, 1853-Mar. 4, 1857	33, 34.
James Buchanan.....	John C. Breckenridge....	Mar. 4, 1857-Mar. 4, 1861	35, 36.

PRESIDENTS, VICE PRESIDENTS AND CONGRESSES—Continued

Presidents	Vice Presidents	Service	Congresses
Abraham Lincoln.....	Hannibal Hamlin.....	Mar. 4, 1861-Mar. 4, 1865	37, 38.
Do.....	Andrew Johnson.....	Mar. 4, 1865-Apr. 15, 1865	39.
Andrew Johnson.....	.....	Apr. 15, 1865-Mar. 4, 1869	39, 40.
Ulysses S. Grant.....	Schuyler Colfax.....	Mar. 4, 1869-Mar. 4, 1873	41, 42.
Do.....	Henry Wilson.....	Mar. 4, 1873-Mar. 4, 1877	43, 44.
Rutherford B. Hayes.....	William A. Wheeler.....	Mar. 4, 1877-Mar. 4, 1881	45, 46.
James A. Garfield.....	Chester A. Arthur.....	Mar. 4, 1881-Sept. 19, 1881	47.
Chester A. Arthur.....	.....	Sept. 20, 1881-Mar. 4, 1885	47, 48.
Grover Cleveland.....	Thomas A. Hendricks....	Mar. 4, 1885-Mar. 4, 1889	49, 50.
Benjamin Harrison.....	Levi P. Morton.....	Mar. 4, 1889-Mar. 4, 1893	51, 52.
Grover Cleveland.....	Adlai E. Stevenson.....	Mar. 4, 1893-Mar. 4, 1897	53, 54.
William McKinley.....	Garret A. Hobart.....	Mar. 4, 1897-Mar. 4, 1901	55, 56.
Do.....	Theodore Roosevelt.....	Mar. 4, 1901-Sept. 14, 1901	57.
Theodore Roosevelt.....	.....	Sept. 14, 1901-Mar. 4, 1905	57, 58.
Do.....	Charles W. Fairbanks....	Mar. 4, 1905-Mar. 4, 1909	59, 60.
William H. Taft.....	James S. Sherman.....	Mar. 4, 1909-Mar. 4, 1913	61, 62.
Woodrow Wilson.....	Thomas R. Marshall.....	Mar. 4, 1913-Mar. 4, 1917	63, 64.
Do.....	Do.....	Mar. 4, 1917-Mar. 4, 1921	65, 66.
Warren G. Harding.....	Calvin Coolidge.....	Mar. 4, 1921-	67, 68.

CONCERNING THE STATES

States	Entered Union	Population 1920	Rank in Population	Area Sq. Miles	Capital
Alabama	1819	2,348,174	18	51,998	Montgomery
Arizona	1912	333,903	45	113,956	Phoenix
Arkansas	1836	1,752,204	25	53,335	Little Rock
California	1850	3,426,861	8	158,297	Sacramento
Colorado	1876	939,629	33	103,498	Denver
Connecticut	1788	1,380,631	29	4,965	Hartford
Delaware	1788	223,003	46	2,370	Dover
Florida	1845	968,470	32	58,666	Tallahassee
Georgia	1788	2,895,832	12	59,265	Atlanta
Idaho	1890	431,866	42	83,888	Boise
Illinois	1818	6,485,280	3	56,665	Springfield
Indiana	1816	2,930,390	11	36,354	Indianapolis
Iowa	1846	2,404,021	16	56,147	Des Moines
Kansas	1861	1,769,257	24	82,158	Topeka
Kentucky	1792	2,416,630	15	40,598	Frankfort
Louisiana	1812	1,798,509	22	48,506	Baton Rouge
Maine	1820	768,014	35	33,040	Augusta
Maryland	1788	1,449,681	28	12,327	Annapolis
Massachusetts	1788	3,852,356	6	8,266	Boston
Michigan	1837	3,668,412	7	57,980	Lansing
Minnesota	1858	2,387,125	17	84,682	St. Paul
Mississippi	1817	1,790,618	23	46,865	Jackson
Missouri	1821	3,404,055	9	69,420	Jefferson City
Montana	1889	548,889	39	146,997	Helena

CONCERNING THE STATES—Continued

States	Entered Union	Population 1920	Rank in Population	Area Sq. Miles	Capital
Nebraska	1867	1,296,372	31	77,520	Lincoln
Nevada	1864	77,407	48	110,690	Carson City
New Hampshire	1788	443,083	41	9,341	Concord
New Jersey	1787	3,155,900	10	8,224	Trenton
New Mexico	1912	360,350	43	122,634	Santa Fe
New York	1788	10,384,829	1	49,204	Albany
North Carolina	1789	2,559,123	14	52,426	Raleigh
North Dakota	1889	645,680	36	70,387	Bismarck
Ohio	1803	5,759,394	4	41,040	Columbus
Oklahoma	1907	2,028,283	21	70,057	Oklahoma City
Oregon	1859	783,389	34	96,699	Salem
Pennsylvania	1788	8,720,017	2	45,126	Harrisburg
Rhode Island	1790	604,397	38	1,248	Providence
South Carolina	1788	1,683,724	26	30,989	Columbia
South Dakota	1889	636,547	37	77,615	Pierre
Tennessee	1796	2,337,885	19	42,022	Nashville
Texas	1845	4,663,228	5	265,896	Austin
Utah	1896	449,396	40	84,990	Salt Lake City
Vermont	1791	352,428	44	9,564	Montpelier
Virginia	1788	2,309,187	20	42,627	Richmond
Washington	1889	1,356,621	30	69,127	Olympia
West Virginia	1863	1,463,701	27	24,170	Charleston
Wisconsin	1848	2,632,067	13	56,066	Madison
Wyoming	1890	194,402	47	97,914	Cheyenne

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W. B. C.



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